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NORWAY  
AND THE UNION  
WITH SWEDEN



NORWAY  
AND THE UNION  
WITH SWEDEN

BY  
FRIDTJOF NANSEN

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## PREFACE

IN order to understand the differences, which, especially of late, have reached a critical point in the political relations between Norway and Sweden, it is necessary to know something of the earlier history of the two peoples, and the circumstances under which the Union between them came to be established and under which it has developed. The purpose of this little book is to give readers abroad, who know little about the early history of the Norwegians, a concise and authentic account of the most important circumstances and events, which, with almost logical consistency, have led up to the present crisis. The book does not in any way claim to contain anything new or original. It treats of matters about which a great deal has been and will still be written.

I have tried, rather, to the best of my ability to state everything on the basis of the most trustworthy and most recognised authorities, and have obtained the counsel and assistance of leading men of the most divergent general political views.

I think, therefore, I may venture to say that the

contents of these pages are a neutral and reliable statement of what has happened, and of what is the opinion of the Norwegian people. My hope is that a foreigner, after having read this little book, will have gained a sufficient knowledge of our history and aspirations to form a somewhat more just estimate regarding the difficulties which have arisen in the relations between the two Northern countries.

FRIDTJOF NANSEN.

LYSAKER,

NEAR CHRISTIANIA,

*May*, 1905.

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# NORWAY AND THE UNION WITH SWEDEN

## I

### HISTORICAL INTRODUCTION

It may often be heard said that the Norwegian nation is young. Flattering as that idea may be to us Norwegians, it is nevertheless erroneous to believe that Norway is young as a sovereign state.

Norway is one of the oldest kingdoms in Europe, with a history as a sovereign state extending over more than a thousand years. To compare it with the examples nearest at hand, it may be mentioned that Norway became a united kingdom at the end of the ninth century (A.D. 872), and had a well-authenticated history covering the next two or three centuries, while Sweden's history was still obscure, consisting mostly of a series of kings' names. At the time that King Harold Fairhair overcame the last of the lesser kings

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and founded the kingdom of Norway by the sea-fight of Hafrsfjord, Alfred the Great had been king of England for only one year. Of the states at present constituting Europe, only the kingdom of Denmark, the kingdom of England, and a kingdom of France or of the Franks, together with a Russian principality, are to be recognised as existent at that time. At that far-off date Norway manifested a power that is indeed remarkable. The Norwegians played a prominent part in the founding of new states during the Viking period. They founded colonies on Iceland and Greenland and on the Scottish Islands, which were part of the kingdom of Norway; they settled on the Isle of Man, founded a kingdom in Dublin, and took part in the raid that seized Normandy.<sup>1</sup> They played a part also in France's history, and, indirectly, they also supplied fruitful inspiration to British culture. The Norsemen of that day were also the first real ocean travellers in history; heedless of navigating along the coasts as was until then customary, they fearlessly set their course across the Atlantic, and during these voyages Leiv Erikssön discovered and landed upon the American continent (A.D. 1000)—probably upon Nova Scotia—which he called

<sup>1</sup> Rollo or Rolf the Ganger who conquered Normandy was, according to Norwegian history, the son of Ragnvald Mörejarl of Oplandene, in Norway; he is a direct ancestor of the English kings.

Vinland (Vine-land).<sup>1</sup> A Norwegian colony was established there for a time, but owing to the incompleteness of the historical record, it is impossible to say for how long the connection was maintained.

The Norwegian stock was at an early date spread abroad in this way, among many small kingdoms outside its own territory. And the reason for it is no doubt partly to be found in the fact that the remarkable natural features of Norway's strongly indented coast, had caused its population to develop into the foremost maritime nation of that day; contributory influences were the strong spirit of independence and the love for adventurous exploits in the people itself. A steady stream of travellers—Vikings, warriors, and merchants—the Norsemen brought contributions home towards a comparatively new and characteristic culture, which belonged to the whole of the Norse people, but whose most admirable flowering in the literature of the middle ages was connected with the Norwegian colony, Iceland.

The union of numerous small kingships into one Norwegian kingdom, in 872, did not lead to any national concentration; the kingdom lacked a strong central power. The land had in proportion to its great extension a scanty population which lived

<sup>1</sup> Gustav Storm, *Studies on the Vineland Voyages*. Extracts of *Mémoires de la Société Royale des Antiquaires du Nord*. Copenhagen, 1889.

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comparatively dispersed. With its fortunate geographical position, the mountainous country was little subject to the onset of foes without, whose heavy attacks might have forced the inhabitants into strong concord and unity. The homesteads in the country lay scattered, often at considerable distances apart, they were not gathered into villages as in other countries of Europe; the different communities were also often widely separated by mountain ridges and woods. In this manner, the yeomen peasants developed a very marked disposition towards independence and complete local government, which hardly made for the solidarity which the national exigencies demanded. In advance of the rest of Europe, Norway was during this period of its earlier history, as it is even now, far too much a collection of individuals and localities with different views, which made it difficult for them to unite in subordinating themselves to a leading will for the furtherance of national objects. And herein is our weakness; it made possible, for example, a long period of relationship in union with Denmark, under which we were able to enjoy only a very unsatisfactory position. But herein, it may be also, in a way, lies our strength as a people.

Internal strife over Crown and supremacy consumed for centuries the country's strength. The old aristocratic families were comparatively few in number in that democracy of yeomen farmers, and they mutually enfeebled one another in the struggle,

the people as a whole being at the same time weakened in the process. In this way the country came to feel the want of leading families, able by the fame of their name to rally the people around them in times of stress and to combat incursion from without. This lack of leading men and families, who in other countries maintained the law and stood between king and people, brought the latter into more direct contact with the government of the state, and made it more law-abiding and loyal to the king. Fidelity to their Royal House has therefore always been particularly characteristic of the Norwegian peasantry; it has however sometimes had unfortunate consequences in the history of our people, as will appear later.

When the Norwegian Royal House died out in the male line in 1387, Norway's crown fell by right of descent to the Danish Royal House,<sup>1</sup> and owing to the loyalty of the Norwegian folk and its lack of influential families, the country came to be united, and without opposition, first with Denmark and Sweden (the so-called "Kalmarunion"), and subsequently with Denmark alone.

Each of the three peoples had by then long before

<sup>1</sup> The union between the two countries originated, however, in the Norwegian heir to the throne of Norway, Olav Haakons-  
søn, being elected king of Denmark in 1376. He became king  
also of Norway in 1380, but died in 1387, and the succession to  
the Norwegian throne then passed over to the Danish royal  
family.

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developed its own linguistic and ethnographic peculiarities, which were quite distinct from one another; history and traditions had gone forward each along their own lines, and the three nations had often had bitter wars with each other. This "Kalmarunion" was therefore from the first unfortunate. Sweden broke out of it on the occasion of an insurrection in 1521, while Denmark and Norway still held together, nevertheless, as two separate and independent kingdoms, but with a common dynasty. The Norwegians' loyalty to their king manifested itself again at the time when the Danish king, Christian II., who was first of all driven from Sweden by the rising of 1521, later on also had to leave Denmark, but who finally found a last refuge in Norway with the faithful Norwegian subjects that would not abandon their lawful monarch. Norway always continued during that union to be a hereditary monarchy; Denmark had, however, an elective king; and this also explains the fact that the kings very generally came to look upon the democratic Norwegians as their surest support, and not the Danish nobility. The latter to preserve the union with Norway, however, always elected the nearest heir to succeed their king. It was not until 1660 that a resolution was carried, making also the Danish Crown hereditary. Norway continued to be united with Denmark until 1814, but, it is worth noticing, as a quite independent kingdom; it was a hierarchy of a different kind and

with its own constitution.<sup>1</sup> The king could act in his capacity as Norwegian monarch alone, as he also did under certain circumstances ; for example, on the occasion of the arrangement of a boundary treaty between Norway and Sweden. It is specially worthy of mention, that Norway has always had its own independent and entirely national army, upon whose history we may well look back with satisfaction ; when circumstances at the beginning of the nineteenth century made it necessary to call upon it for support, it responded well to the call.

Sweden developed under its own national dynasty, and became a power of the first rank. Under Gustavus Adolphus it played a prominent *rôle* in Europe's history, and under the warrior Charles XII.

<sup>1</sup> It has been maintained in some quarters that Norway became a province of Denmark, inasmuch as the Danish nobles at an assembly in Copenhagen in 1536 compelled Christian III., in writing, to decree that Norway, if he had to conquer it by arms, should not continue to be a separate kingdom but should become a part of Denmark. But he did not hold to his decree, since Norway was not subjugated ; the agreement could not in any case have been in the least binding upon Norway. That was long ago recognised in the eighteenth century by Danish and Norwegian historians ; it has been demonstrated in detail that every suggestion of Norway ever having been a province is entirely erroneous. Even Christian III., one month after the date of the above document, in a treaty concluded with Sweden, himself recognised Norway's independence. Norway all along continued to preserve its status as a sovereign state, and was therefore, among other things, not itself bound by the Treaty of Kiel.

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it was able to enter the lists with the Great Power that rapidly developed on its eastern borders; it raised itself to be the mistress of the Baltic. With its dominion over Pomerania and a great part of the Baltic provinces in the south, and over Finland in the east, it was one of the Great Powers—a power that was specially menacing to the other two Northern nations. It was natural that Sweden should come to aim at the complete dominion over the Scandinavian peninsula. A notable Swedish writer<sup>1</sup> has recognised “that Norway for centuries constituted the objective of our great kings’ policy,” that this idea excited the aspirations of the Swedish people, and that the possession of Norway after the loss of Finland in 1809 was looked upon as essential for Sweden’s security and independence in the future. Time after time Sweden made attempts upon Norway, but, curiously enough, fortune always left the Swedish arms as soon as ever they got over the Norwegian border. As, however, our Danish brothers-in-arms, as a rule, were even less fortunate, it nevertheless came about that at the termination of these wars Denmark’s and Norway’s king had to cede Norway’s southern and eastern provinces, Bohuslän, Jemteland, and Herjedalen, which are now a part of Sweden. The Swedes’ last serious attempt to subjugate Norway by force terminated with the death of Charles XII. under the walls of

<sup>1</sup> Schinkel-Bergmann, *Minnen*, vol. ii, pp. 31—32.

the Norwegian fortress of Fredriksten in 1718. During the succeeding ninety years Sweden was fully occupied at home, partly in healing the wounds it got in times of war and conquest, and partly in defending itself against Russia ; but the compulsory cession of Finland to that Power in 1809 only served to revive more intensely than ever the old dream of subjugating Norway.

In Norway there arose at that time a demand for a more independent form of existence than the one which the union with Denmark had little by little developed. The loss of the Danish-Norwegian fleet by the English attack on Copenhagen, in 1807, was the finishing touch. Denmark thus lost the means of coming to Norway's support, and negotiations now took place between influential Norwegians and Swedes for a form of union, in part between the three Scandinavian nations, in part between Norway and Sweden alone. These negotiations between private individuals led to a result quite unique in history. Sweden in March, 1809, stood on the verge of ruin : it was involved in war with Russia, as well as with Denmark-Norway. The Russians had occupied Finland and had advanced against Sweden itself ; they were making ready to cross the Baltic, which resolve they also actually put into execution. A Norwegian army of 28,000 men stood on the Swedish border under Prince Christian Augustus ; this force was superior to Swedish resistance, and would most certainly

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have been capable, had advantage been taken of the opportunity, of having acquired a portion of Sweden, or at any rate of having got back the provinces formerly lost. But even at that time we looked farther ahead than the mere advantages of the moment ; a weakening of Sweden's powers of resistance to the foe pressing upon it from the east would have threatened great danger to the future of the Scandinavian countries ;<sup>1</sup> and in spite of the fact that our Commander-in-Chief, Prince Christian Augustus, had his King's explicit instructions to push into Sweden and pursue the war as vigorously as possible, he agreed to a truce with the Swedish army, which was thereupon able by forced marches to make for Stockholm to depose the imbecile Gustavus Adolphus IV., and to make peace with Russia and Denmark-Norway. We Norwegians are even now glad and proud of the magnanimous attitude adopted by Norway towards the hapless Sweden of 1809 ; it forms, however, a remarkable contrast to the Swedish views finding expression through the Swedish writers of the present day ; *e.g.*, Dr. Sven Hedin, who informs us that if Norway's union with Sweden be abandoned it would cease to be a matter of interest to the Swedes

<sup>1</sup> We have a definite expression contained in a subsequently published letter written by one of the leading Norwegians of that time, Count Wedel, actually to the effect that we must not help barbarians in crippling the Scandinavian countries.

whether or not Norway were to be overthrown and partitioned among other European Powers. That the Swedes at any rate at that time (1809) felt some gratitude for the Norwegian course of action, may be gathered from the fact, among others, that the Swedish Parliament, which the same year had to elect an heir to its new and childless king, Charles XIII., selected the leader of the Norwegian army, with the explicit declaration that Christian Augustus "had done Sweden the greatest service that it had hitherto ever had done to it by a foreigner." Unfortunately Christian Augustus died during the following year, and the Swedes again had to elect an heir. Their choice fell upon the French soldier, Marshal Bernadotte, who took the name of Carl Johan. The Swedes seem to have pretty quickly forgotten their feelings of gratitude towards Norway. It soon became apparent to Carl Johan, that all hope of reconquering Finland must be abandoned, if Sweden, with its two and a half million inhabitants and its ruined finances, were to maintain its position as an independent State, and that Sweden had better seek compensation in the acquisition of Norway. Certainly Carl Johan had at first no idea other than of an incorporation of Sweden and Norway on the friendliest possible basis. It was not until the difficulties had shown themselves greater than were at first expected that he, without reflection and

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only three years after his predecessor with the assistance of the Norwegians had rescued Sweden from ruin, cast every nobler thought aside, and sold his military genius by agreeing to fight against Napoleon and France, the price being that the Czar Alexander I. undertook to abandon his hitherto allies, Denmark-Norway, and to acquire Norway for Sweden (*procurer la Norvège à la Suède*).<sup>1</sup>

After having in this way made sure of Russia's agreement to his plans against Norway, the Swedish Crown Prince concluded alliances,<sup>2</sup> first with England (March, 1813) and shortly afterwards with Prussia, giving him a free hand against Denmark-Norway, which had been forced into an unfortunate alliance with Napoleon. His goal was the conquest of Norway. Immediately after the battle of Leipzig, Carl Johan turned with the allied Swedish, Russian, and Prussian forces against Denmark, and won an easy victory over a small part of Frederick VI.'s Danish (not Norwegian) troops at Holstein. Upon that, the Treaty of Kiel, of January 14, 1814, was forced upon Frederick, according to which he relinquished Norway's throne to the Swedish king. That fact would make it appear as though Norway's future fate was decided, threatened as it was by Sweden as well as

<sup>1</sup> *Traité de S. Pétersbourg*, date du 5 Avril, 1812.

<sup>2</sup> See Aubert, *La Norvège devant le droit international*, p. 9.

by the Great Powers ; but in thus reckoning, Norway itself had been left out of account. Without being asked Norway had been treated altogether as a *quantité négligeable*. And that being the case, it soon became apparent that it was a very bad piece of reckoning indeed.

## II

### THE TREATY OF KIEL AND THE ESTABLISHMENT OF THE UNION

By the Treaty of Kiel Norway was ceded to the Swedish king—not to the kingdom of Sweden. There is no definite expression in that treaty which might propose to make Norway an integral part of Sweden, or which should make it dependent to that kingdom. The Norwegian people were to continue in the enjoyment of their own laws, rights, privileges, and liberty. The treaty dissolved the Union existent at that time between the kingdoms of Denmark and Norway, but that really did not involve Norway in any obligation to enter into any combination with Sweden. When Norway's king abdicated and abandoned all claims to the crown of that country, Norway itself, of course, inherited *ipso facto* the sovereign state's prerogative of itself settling the question of its own constitution and the occupation of its throne. The transference to an outsider of the authority Norway's constitution had given him,

was an action on the part of the king that was quite illegal and could not be in any way binding upon the Norwegian people itself. And the recognition of that fact very soon and spontaneously led to action in Norway. Immediately news of the new treaty of Kiel arrived, opposition to it was aroused all over the country. The Norwegian viceroy of that time—the Danish and Norwegian Prince Christian Frederick—called an assembly of representatives from the different parts of the country at Eidsvold, near Christiania; they were entrusted with the task of preparing the constitution and government of the country for the future. That assembly on May 17, 1814, adopted a new constitution (Grundlov) for the kingdom of Norway, and on the same day it elected Christian Frederick to be king. At the same time the army, which, as a matter of fact, was already on the Swedish border, was put on a proper war-footing. The Norwegians knew very well from former experiences that they were quite able to protect their almost inaccessible country against attack from Sweden.

The Swedish king was, however, not disposed to give up his idea of usurping Norway's crown, and Swedish troops were therefore sent into the country under Carl Johan, on July 28th, 1814. This campaign, mainly of a demonstrative character, lasted only fourteen days; the only general action resulted in victory for the Norwegians, who drove the northern

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wing of the Swedish army back over the border ; the strongly fortified rocky fortress of Fredriksten (where Charles XII. fell in 1718) the Swedes could not take ; on the other hand, they occupied the fortress of Fredrikstad, which Christian Frederick had already decided to abandon, and from which the heavy guns had been removed. And then, before any decisive action had been fought, and before Carl Johan had got as far as the Norwegian army's first line of defence, where the difficulties of his campaign would have really commenced, he opened negotiations with the Norwegians. Among historians different views have been put forward in explanation of Carl Johan's action ; his eager admirers and defenders, seeing in him a great statesman, hold that with a statesman's intuition he soon saw that as the regent of Norway he would in the future attain a more felicitous position if he could succeed in enticing that country into a voluntary union with Sweden, than he would by forcing it upon them by right of conquest. Other authorities and especially military historians, as *e.g.* the Danish writer Sörensen<sup>1</sup> and the Swedish writer Mankell,<sup>2</sup> hold strongly that the prospects of continuing the campaign appeared very unfavourable to the French soldier Bernadotte, who was not acquainted with our country nor with our style of campaign. They maintain that with the eye of the

<sup>1</sup> Sörensen, *Kampen om Norge*. Copenhagen, 1871.

<sup>2</sup> Mankell, *Felttoget i Norge*. 1814.

soldier he saw that the difficulties he would encounter before he could break the Norwegian line of defence, would be too great, and that with the army and resources at his disposal he would never be able to conquer the mountainous and thickly wooded country. It might therefore seem that it was not the statesman, Carl Johan, but the soldier, Bernadotte, who entered into negotiations after only fourteen days' campaign. Whatever the real reason, it would be quite immaterial now, except that it has often been maintained on the side of Sweden, in extenuation of her subsequent offensive attitude towards Norway, that it was really owing to the magnanimity of the Swedes and Carl Johan that they desisted from subjugating Norway in 1814.<sup>1</sup> But certain it is that, at the time,

<sup>1</sup> Of great interest in connection with the solution of this question is the correspondence recently published of the then Swedish queen, Hedvig Elizabeth Charlotte, Charles XIII.'s Consort (see Baron Carl Carlson Bonde, *Sverige og Norge*, 1814, Stockholm, 1896). On August 28, 1814, two weeks after the Convention of Moss, she wrote (Bonde, p. 128, note 1) to her sister-in-law, Sofie Albertine, among other things, that it was fortunate for Sweden that the Norwegian king, Christian Frederick, desisted when he might have otherwise done the Swedes great damage, and she continues, "One must not delude oneself, and even the Crown Prince (Carl Johan) himself does not try to hide the fact that it would have been really quite impossible to have succeeded in winning anything out of the Norwegians if they had not been amenable, as it would be quite impossible to get at them among their high mountains and inaccessible passes if only well led and determined to defend themselves. It would be possible enough to drive them back upon Christiania, but it would not be within the power of any

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representations were made to Carl Johan by the Swedes to continue the campaign and to carry into effect his vow to conquer Norway for Sweden; he replied that if he had 40,000 men and six millions in his war-chest he could in six months force upon Norway the terms of a conquered people. But he had not got such resources.<sup>1</sup>

On every occasion Carl Johan always acted with remarkable agility in the difficult position he occupied. The Swedish army was undoubtedly in some respects superior to the Norwegian; the

army to follow them up further." These words were not penned out of sympathy for the Norwegians, whom the Swedish queen described as "rioters and law-breakers," but they are certainly based on communications from Carl Johan himself, which also follows directly from the wording given above.

In her diary covering the same period, the Swedish queen speaks with even more candour. As she was anxious "to leave behind her some secret details," she writes further (Bonde, p. 190, note 1), "The districts of Bergen and Trondhjem would have been capable of resistance for a long time, and if the Norwegians had only withdrawn to the hills they would have been able to have protected themselves easily. . . . Sweden in the course of time would have little by little lost its whole army, and would furthermore have had to provide much money to pay for everything without external assistance." In addition, Carl Johan did not wish for any interference or assistance from outside, "he preferred to try for himself to overawe his future subjects." The Swedish talk of magnanimity and the possibility of conquest in face of these confidential and unmistakable statements of the Swedish queen, which themselves refer to the utterances and opinions of Carl Johan, undoubtedly sounds a little ridiculous.

<sup>1</sup> Schinkel-Bergman, *Minnen*, vol. viii.

country itself, however, offered many natural lines of defence, and the history of Spain had taught him well enough the kind of resistance a desperate mountain folk *can* offer. The Swedish finances were furthermore so parlous that with a few months' campaign "all resources would have been exhausted."<sup>1</sup> In addition, the attitude of the Great Powers was by no means so favourable to Sweden and so unfavourable to Norway as might have been wished from Sweden's point of view. The Norwegians themselves thought the state of affairs in this respect worse than it, as a matter of fact, really was. What they had to fear most was a blockade of their coasts by the English fleet, by which the country would have been cut off from all sources of supply; but Lord Castlereagh had before the opening of the campaign decided that there could be no question of offering Prince Bernadotte any additional assistance. If the Norwegians had been aware of that decision and had in that way felt secure against blockade, it is certain that they would not have consented to a peace. In view of the attitude of the Powers, and with an eye on the Congress of Vienna, then just about to meet, it was therefore no wonder that Carl Johan himself wrote that "it is of the utmost importance that the Norwegian affair should be settled as soon as possible, and that a Union

<sup>1</sup> Trolle-Wachtmeister, *Anteckningar och minnen*, vol. ii, p. 9.

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between Norway and Sweden, free and with complete agreement, should be established" (*librement et avec une parfaite unanimité*); but in view of Swedish opinion it was desirable, if possible, to give the Union quite a different aspect, and we consequently find in the same letter, that if it should be necessary, in view of the Congress of Vienna, to make certain concessions to the Norwegians (*faire des sacrifices*), it should always be possible to revoke them subsequently (*que l'on pourra refaire à une autre diète*).<sup>1</sup> In the light of this double dealing it must also be borne in mind that Carl Johan rejected the intermediation offered by the Commissioners of the Powers (England, Russia, Austria, and Prussia), whose assistance he had himself invoked. There can be no doubt that, in addition to the mere difficulties of pursuing the campaign, the attitude of the Great Powers was a contributory factor in calling forth the offer of a Union, and which gave this offer the stamp of an association between two free and equal peoples—the only possible form that could have been acceptable to the Norwegians. The opening of negotiations led to a truce and to the Convention of Moss, on August 14, 1814, between the Crown Prince, Carl Johan, in the name of the Swedish king, and the Norwegian Government, with the object of considering the establishment of a Union between Norway and Sweden. The King of Norway, Christian Frederick, pledged himself, in the

<sup>1</sup> Trolle-Wachtmeister, *loc. cit.*, p. 12.

words of the Convention, immediately to call together "the Kingdom of Norway's Parliament in the manner directed by the terms of the existing constitution," with whom the Swedish king's representatives were to treat directly. Christian Frederick declared himself willing to lay the exercise of his prerogative at the disposal of the nation, after Parliament had been called, and then to leave the country. On the other hand, the Swedish king pledged himself to accept the constitution agreed upon by the representatives of the nation at Eidsvold, and not to propose any modifications other than those that might be necessary to render a Union between the two kingdoms possible.

This *Convention of Moss* is an agreement between the two nations. It implies, according to international law, a recognition by Sweden of Norway's status as an independent state. The Treaty of Kiel was *ipso facto* abandoned on the part of Sweden; Norway's agreement to the establishment of a Union was recognised as necessary. None the less, some Swedish political historians have subsequently endeavoured to maintain that the Treaty of Kiel is still in force.

The greater part of the Norwegian army remained under arms during the truce, and the extraordinary Parliament, which met in October, 1814, was therefore able to treat the question of a Union on fully equal terms with the Swedish king; and it stood agreed that the Norwegian state remained legally

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unfettered in the matter of Norway's future relationship to Sweden, as also on the question of the election of a new king.

On October 20, Parliament made a preliminary announcement to the effect that Norway shall, as an independent kingdom, be "united to Sweden under one king, with the maintenance of its constitution, but with such alterations as should be to the advantage of the kingdom and necessary by reason of the Union with Sweden." The changes in the constitution of May 17, which were adopted for these reasons, were made with the object of bringing about legally a Union on terms of complete equality with Sweden. The constitution, revised in only a few particulars in this way, was accepted by Parliament on November 4, 1814, and on the same day Charles XIII. of Sweden was elected also King of Norway, Carl Johan becoming therefore Crown Prince of Norway.

By the election of the king and the acceptance of the revised constitution, merely a joint Crown was established. A union between the two states was first consummated by the so-called Rigsakt (or Act of Union), of August 6, 1815, which, after having been agreed to by each kingdom's national assembly, was then accepted by the king.

### III

#### THE ACT OF UNION (RIGSAKTEN)

THE "Rigsakt" is the only legal instrument of the constitutional Union between the two kingdoms,<sup>1</sup> and in its own terms it embodies "the conditions of the Union under one king, but with separate laws of government, which has been entered into between Norway and Sweden."

Sweden cannot claim any more stringent combination, nor does Norway assert that the Union is limited to something less than that defined by this agreement. The basis of the Rigsakt is complete equality between the two states, or, in the words of the unanimous petition of the Norwegian Parliament to the Crown in 1860, the basis of the Act of Union is "the equality of the kingdoms, and each kingdom's independence in all matters that are not described as being of a unionistic character." In the note which Carl Johan, on April 12, 1815, appended to

<sup>1</sup> The Swedish Order of Succession of 1810 is also in force in both countries, but that is of minor importance.

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the Swedish king's address to the Swedish Parliament covering the draft Act of Union, is to be found the following extract: "When two peoples voluntarily put themselves under the same rule, every possible occasion of difference in respect of their relationship to their joint regent ought to be eliminated as carefully as possible. The association will otherwise sooner or later be broken, and either the one people will subjugate the other, or the fresh seed of a disposition to a bitter century-long policy of disunion, tending to separation, is sown in the deplorable schism." . . . "For the attainment of that object (the establishment of a Scandinavian Power of two free peoples) there must be complete equality established, with the definition of the two peoples' joint rights, and without reference to the population or productiveness of the two lands." . . . "The Crown recognises the principle of complete equality between the two kingdoms in all those questions concerning their joint government."

Thus ran the words of the Swedish sovereign's ideas for the Union, and the Swedish Parliament itself not only agreed to the draft of the Act of Union communicated to it, just as it was adopted by the Norwegian Parliament, but it also expressly recognised "the principle of equality," and declared that "the National Assembly has recognised complete equality between the two kingdoms."

The introduction to the "Rigsakt" itself declares the object of the Union to be "the defence of their (*i.e.* the peoples') joint thrones," and § 1 of the Norwegian edition of it runs as follows :—" *The kingdom of Norway shall be a free, independent, indivisible, and inalienable kingdom, united with Sweden under one king.*" The Union is a combination between two equal sovereign states, for association in War and Peace and union in the Crown's person ; it is merely a personal union for offensive and defensive purposes. The "Rigsakt" goes on to specify in detail the several provisions of that union ; it concerns itself partly with the separate regulations for the preservation of the union in the matter of the Crown's person, and further with regulations covering the possibility of there happening to be no king personally able to watch the affairs of the two nations. In § 4 it is provided that the Crown hold in its person certain important executive functions, as, for example, the right of mobilising troops, of beginning war and of making peace, the making and abrogation of treaties, of appointing and receiving ambassadors. That is to say, each of the kingdoms has bound itself by treaty to vest the exercise of these functions, so far as it is itself concerned, in the hands of the Crown. In the same paragraph special forms are prescribed for declarations of war. In § 5 provision is made for the Crown's treatment of

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matters concerning the two kingdoms jointly, in the simultaneous presence of members of the two governments.

The real bond of union, serving to guarantee the attainment of its object, namely, association in War and Peace, is the union in the Crown's person. Apart from this union, embracing the question of War and Peace and the body authorised in certain eventualities to exercise temporarily the functions of the Crown, *the "Rigsakt" does not establish any other bond of union between the two kingdoms. Each kingdom has therefore preserved in entirety its own right of action as a sovereign state, in all other affairs not clashing with the above clearly delimited union.*

To be quite clear as to how little the association itself and the Treaty of Union really affect the separate sovereignty of the two kingdoms, it is necessary always to bear in mind that it was two absolutely foreign Powers that were united in 1814; to talk of "Home Rule" in Norway is therefore beside the point.

There is in reality the same state of affairs and the same degree of union as would be obtained by conceiving of the state of, *e.g.*, England and France after agreeing upon and concluding a permanent offensive and defensive alliance under one and the same king; but with the preservation of all other institutions by each for itself, and with no other grounds of unity

whatever;<sup>1</sup> in such circumstances, to speak of "Home Rule" in England when it still held for itself its own right of action in its own affairs, would hardly meet the case.

Norway's and Sweden's constitutions are quite different and hold good only for each land separately. Not a section of them is of the nature of a Treaty or a Union. The opposite has, however, on certain occasions, as will be seen later, been maintained from the Swedish side. But the non-unionistic nature of the constitutions has now been explicitly recognised by the Swedes themselves, inasmuch as at a joint Council of State (of Swedish and Norwegian ministers) on April 17, 1885, the Swedish ministers present unanimously declared among other things that "the reciprocity which Norway has the right to demand in return for Sweden of itself determining to alter its constitution, in this as in other parts of it, lies therein that Norway also can of itself dispose of its constitution in all its concerns." The "Rigsakt" has therefore nothing to do with the actual constitutions of the two kingdoms; it is to be regarded as an international treaty between two sovereign states.

<sup>1</sup> The two kingdoms Norway and Sweden have therefore separate governments and national assemblies, partly modelled on different lines, separate military and marine forces, finances and tariffs, different judicial, military, and ecclesiastical systems; there is *a tariff-boundary between the two*, their money and coinage systems are different, as well as their codes of law, &c., &c.

## IV

### EPISODES FROM THE HISTORY OF THE UNION

AFTER a century's strife a Union between the two kingdoms was brought into being ; not of the kind, however, that the influential men and aristocracy of Sweden had hoped for and desired, namely, the acquisition of Norway as a compensation for Finland. And this did not bode very well for the projected union ; it soon led to a policy of opposition from the Swedish side, often of quite a petty character, against everything symbolical of the existence of Norway as a kingdom. We had to wrestle over the king's Norwegian title (he was King of Norway and Sweden, in Norway, and not of Sweden and Norway, as the Swedes would have it), over the inscription of our coinage, over our flag and the arms of the kingdom.<sup>1</sup>

Furthermore, the two peoples were and still are

<sup>1</sup> In illustration of the Swedish conception of Norway and the Union, it may be mentioned that a short time after its establishment in 1815, a Swedish officer was nominated to the command

very different from one another, and not least in their form of government.

Just as their former history has always pursued a quite different course, and can show few points of direct contact with Norway, except on the occasions of conflict in war, their future national development was also inevitably destined to be different. While the Norwegians have developed along the paths of democracy, and under rapid adoption of all modern trains of thought, have created an extremely thorough form of responsible government similar to the English form, the Swedes, bound to the traditions of their days as a Great Power, and to their strongly marked aristocratic proclivities, have developed very little indeed politically. The Norwegians consume possibly too much time in, and give too great a prominence to, political questions; every peasant and artisan follows with his newspaper, and is on the whole well informed and self-opinionated on every-

of the strong Norwegian fortress of Fredriksten on the borders. That the man was originally of Norwegian birth, did not make the selection any the better, because he had become a Swedish citizen and had taken part in the war against Norway; it was an obvious attempt to treat the Norwegians as though they had been subjugated. It was, of course, not tolerated, and the man had to be instantly removed. At the beginning of the Union, Sweden also allowed itself to emblazon the Norwegian arms together with the Swedish on the Swedish coinage, and even on the Great Seal of the kingdom, just as though Norway were actually a province of Sweden. It was only after considerable opposition from Norway that this was given up.

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thing that happens. Among the Swedes, on the other hand, such matters are able to arouse only little interest.

The upper and aristocratic classes, which play a conspicuously prominent *rôle* in the Swedish community, have also always had a tendency to look with a certain amount of contempt on the Norwegian people, consisting mainly of "Bönder" (peasants). As the result of a deficient knowledge of the former history of the Norwegians and of the real origin of the Union, the aristocratic Swedes have been extremely prone to look upon the claims of these "peasant folks" for equality as an unwarrantable piece of insolence; even as base ingratitude, for they have got the idea that Sweden nobly helped to "free" Norway from Denmark in 1814, and in that way helped "to raise it to the rank of a sovereign state." Even to-day we occasionally get examples of Swedish ignorance of this kind. When, for example, a man like Dr. Sven Hedin, in a foreign organ,<sup>1</sup> tells the world that the Norwegian go-ahead politicians "forget Sweden's ancient connections with mid-Europe, and do not remember that at the time the victors of Lützen and Narva were arousing the admiration of the whole world, Norway was a Danish province, and continued to be one until the year 1814, when it was elevated to be a sovereign state united with Sweden under one king."

It is difficult to believe that an assertion like this,

<sup>1</sup> *Kölnische Zeitung*, April 22, 1905.

to the effect that Norway was a Danish province, &c., is intentional misrepresentation ; it must be ascribed to a cheerful ignorance of the subject. It must also be believed that Dr. Sven Hedin is ignorant of the fact that Norway was a kingdom and had a well authenticated and often remarkable history several centuries before Sweden had. When a man who ought to have been trained in scientific method can write in this strain, what is to be expected of others ?

In the same way it was formerly to be found in the history books used in the Swedish schools that Norway was a land that had been conquered. It is perhaps easy enough to understand why Swedish policy towards Norway has been unfortunate and even highly offensive to Norwegian susceptibilities, when such perverse representations are inculcated in the minds of the Swedes from childhood upwards. And the upper classes in Sweden have always looked with misgivings at Norwegian democratic and liberal politics lest the other classes in Sweden should also become inoculated with similar propensities, with eventual effects on Swedish internal politics disastrous to the upper classes themselves. That has, as a matter of fact, to an extent actually been the case. It has consequently always been the policy of the Swedish aristocracy—the so-called “Storsvensker”—to resist every Norwegian effort at all costs, and, if possible, to suppress the Norwegians continually more and more until the two kingdoms should become moulded together into one. In other words, while Norwegians

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held by the Union as it, according to the "Rigsakt" and its provisions, *should be and partly was*, it was at the best regarded by Sweden's leading men as an intolerable and merely temporary compromise; it was, as they expressed it, a Union "to be deplored," which shed only one ray of light, and that was that by persistent effort *it might become something else and something more*.

This fact must be continually borne in mind in trying to arrive at a correct verdict on the strife in the union of the two peoples; a verdict equitable not only to the Norwegians, who as the weaker of the two parties to the Union have, it may be, often showed a sensitiveness that is generally apparent in cases where the weaker of two intimately connected individuals fears encroachments by the stronger; but equitable also to the Swedish, who in their attempts at encroachment have proceeded at any rate in part from false conceptions and incomplete knowledge of the past, and have regarded Norway in the light of a compensation for Finland. Whatever Carl Johan's original opinion on Norway's position of equality in the Union may have been, certain it is that he soon had to yield to the Swedish aristocracy's dissatisfaction with that Union, and within seven years he made an attempt to carry into effect the promise of his letter cited above, in which he said that the concessions Sweden had made to bring the Union into being might indeed always be revoked.

In 1821 the true Swedish idea of a Union manifested itself; the moment, in view of the state of Europe at that time, was propitious; the Holy Alliance had reached its height, and the Norwegian Parliament, by its actions, had put itself on rather bad terms with the king.—According to the Norwegian Constitution (Grundlov, § 79), the Crown has the right of suspensive veto only; a withholding of the Crown's sanction may throw out a law on two occasions (in two separately and successively elected Parliaments), but if the same law be passed by a third Parliament after another new election, the law comes into force in spite of the veto of the Crown. The Parliament in this year availed itself for the first time of its right, and, against the wishes of the king, it passed a resolution repulsive and anarchistic in Swedish eyes, namely, for the abolition of nobility in Norway. Parliament also rather unfortunately made difficulties about the voting of three million specie dollars (twelve million kroner), which it had been agreed by convention between the Danish and Norwegian Governments, should be paid by Norway as a reasonable proportion of the Danish-Norwegian state debts still remaining from the time Denmark and Norway were united. It was unwise of Parliament to make difficulties over the matter; the money was, however, voted.

Carl Johan, now king, in the summer of 1821 decided to hold a review of troops near Christiania, in spite of the protests of the Norwegian Govern-

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ment.<sup>1</sup> Three thousand men is the greatest number of troops which, according to the Norwegian Constitution, § 25, may be introduced for military exercise, from the one kingdom to the other. The camp was made up of 3,000 men from each kingdom; the Norwegian troops had only blank ammunition served out to them, while as the result of an indiscretion it leaked out that the Swedish troops had got ball cartridges. At the same time a Swedish fleet of 300 guns and 2,000 men put into Christiania harbour, and finally Carl Johan himself came to Christiania accompanied by generals, admirals, and the foreign diplomats. He laid a number of proposals before Parliament for a recast of the Norwegian Constitution, and when his whole attitude on the occasion is viewed in the light of the Swedish Foreign Minister's notorious circular note of June 1, 1821, by which, through an improper attack on the Norwegian people, an attempt was made to prepare the Powers for a *coup d'état*, there can be no manner of doubt that a *coup* was meditated but abandoned at the last minute, though it is not necessary here to go further into the probable causes that led to the abandonment of the idea.<sup>2</sup> The circular note men-

<sup>1</sup> As the economic state of the country was at that time quite the reverse of satisfactory, and as such a review cost an amount of money rather great in view of the country's resources, the Norwegian Government thought the moment rather badly chosen for this quite unnecessary display.

<sup>2</sup> J. E. Sars, *Norges politiske Historie fra, 1815-1885*. Christiania, 1904. Pp. 61-74.

tioned serves as an illustration of the way in which the Swedish Foreign Minister and the Swedish Embassies, which have up to the present also represented Norway, and have been paid for it by Norway, may also be used to Norway's detriment ; it was and still remains monstrous that it should be possible for money paid out by us to representatives not responsible to Norwegian authority, to be employed against the interests of the country. In that note Norway's King let his Swedish Foreign Minister—who was also "ours"—inform the Great Powers that he would not recoil from using force if the Parliament did not undertake a part of the Danish State debt mentioned above. That had, however, already been done by Parliament when the mendacious indictment of Norway was sent to the Great Powers through "our" embassies.

The note begins by lauding in lofty tones the magnanimity of Carl Johan in "presenting" Norway with a free constitution in spite of the fact that he had by his "victory" brought the Norwegians back to their "duty and reason." The magnanimous king had not been blind to the "defects" of the Norwegian Constitution, but he hoped that time would rectify all that. Sweden and the king had also submitted to excesses on the part of the Norwegian Parliament and Press, and in them would not see "anything else than follies to be rectified, not insults to be punished." Further on, it runs : "*A spirit of intoxication which has begun to increase and which may become contagious if*

*it be allowed to disseminate itself unhindered, has strengthened itself by an accession of intriguers and with that help has been imparted to a very little enlightened majority . . . .* If the principles generally recognised and accepted throughout Europe concerning the importance attached to solemnly enacted treaties being demolished, and concerning the equilibrium of the executives and constitutional forms being set aside by a legal majority, fail to be appreciated, the king asks pardon of his conscience and Europe if he resolve to protect the great masses' interests and weal against delusions."<sup>1</sup> Carl Johan had under these circumstances, he says further, certainly the right to say to Norway :

*"Through breaking by your action the agreement to which I have given my assent, I therefore again assume the rights assured to me by the Treaty of Kiel and I take from you the freedom I once granted you, but of which you have made such unworthy use."*

The king also speaks of another course of action, namely, "*the actual fusion together of the two kingdoms.*"

He will not, however, avail himself of either of these courses ; but if "selfishness and blind infatuation continue to fail in appreciating his advice, he will feel

<sup>1</sup> It is a remarkable and scarcely quite accidental coincidence that during the present conflict between Norway and Sweden there is often to be seen used in the Press on the Swedish side very nearly the same mode of expression about Norwegians and Norwegian politics.

compelled to re-erect the fabric of Norway's constitution on a foundation that is more secure to general safety." The King, therefore, desires "to hear candidly what his allies think of the steps he contemplates taking and which are already demanded by all "*thinking Norwegians.*"

Of these steps there are mentioned among others: the abrogation of the right of making law without the Crown's sanction whatever shall have passed three successive parliaments; a new parliament every fifth year only; the removability of higher state officials; more explicit regulations delimiting the legislative power's authority; the necessary limitation of Press abuses. When all this shall have been set to rights "Norway will have experienced for the second time the beneficent influence of the prince to whom they are indebted for their free institutions."

The Embassies ("our" Embassies) were given instructions to obtain exact information without delay as to how the Great Powers viewed his scheme against the Norwegian State.

It was the time of the Holy Alliance. The Great Powers were very quiet; the condition of Russia was at length particularly favourable in this respect, at any rate formally. In none of them was there a Norwegian to speak on his nation's behalf. We were then—as we are even to-day—without any direction in the matter of foreign affairs, without connection with foreign powers.

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As has been mentioned, this plot against our independence and against our constitution did not come to anything; it was prepared against us unknown through the agency of "our" Foreign Minister and "our" Embassies, a province in which we are as a nation defenceless. And in this matter we have no greater security now than we had then. If "our" diplomats should once again desire to act in opposition to Norway's interests, there is nothing to prevent them doing so; there is no way even of us knowing anything about it. We have no direct means of entering into communication directly with foreign powers; that is reserved by Sweden under present arrangements. This is the way the equality guaranteed to us by agreement and by the Act of Union has hitherto been put into practice!

The mistrust implanted in the minds of Norwegians in 1821 has in course of time often been renewed by the Swedish Governments, not only by a lack of appreciation of Norway's rights, but by words of levity at Norway's sovereignty as a State.

In the aristocratic party in the Upper House of the Swedish Parliament—the party we in Norway call the "Storsvenske" Party—the independence of Norway, and, therefore, the existing union, has an actual enemy. It would lead us too far here to speak of the great amount of friction that has arisen between the two kingdoms from this cause; several times the situation has become very critical, and however ready the

Crown may have been to have acceded to Norway's wishes, it has always been compelled by the more powerful Sweden at the decisive moment to take the Swedish view. This was the case, *e.g.* in 1860, when the Norwegians wanted to alter a paragraph in their constitution which gave the Crown the right to nominate a Governor for Norway, and even to appoint a Swede as such. The abolition of the office was agreed upon by the Norwegian Parliament almost unanimously, on December 9, 1859, and King Carl had promised his Norwegian ministry that he would sanction the change. On that occasion the temper of the aristocratic party of the Swedish Upper House (the Riddarhus) towards Norway manifested itself in a way that left no possibility of a doubt as to how matters then stood. Count K: H. Anckarsvärd moved a resolution in the Riddarhus framed in the bitterest and harshest terms; it furiously attacked the Royal House's Norwegian proclivities, maintained Sweden's predominance, and called for a revision of the Act of Union. This very same Anckarsvärd, as an officer in the Swedish army, was on the borders in 1809, and had had better experience than any other man in the Chamber of the enormous assistance Norway rendered Sweden on that occasion. The movement this affair subsequently originated in Sweden showed fully how little the upper classes really understood either Norway's historic rights or its treaty relationship to Sweden. The journalist,

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V. F. Dalman, afterwards moved that the Swedish Parliament should request the King, before sanctioning the change proposed by the Norwegian Parliament, to submit the matter to it also. That the tenor of a paragraph in the Norwegian Constitution should be made dependent on a Swedish resolution was indeed a monstrous request in the eyes of the Norwegian. On a motion, which was highly offensive to Norway, and which maintained a supremacy for Sweden in the Union, the Swedish Parliament presented an address to the King on April 2, 1860, in which it prayed for revision of the Act of Union, based on joint regulations for the disposal by the Crown of both kingdoms' forces, land and marine, a rearrangement of responsible government with joint representation, &c., and that the changing of the office of governor into that of a Minister of State (Prime Minister), resolved upon by the Norwegian Parliament, be not sanctioned except in connection with the scheme of the proposed revision. History often repeats itself. We see this is somewhat similar to the demands now put forward from Sweden to-day to prevent another purely domestic Norwegian affair—the Consular question—from being carried through without the introduction of other Union disputes. Norway's king was not able to exercise a free hand in the matter, and could not redeem the promise to sanction the bill which he had given his Norwegian Ministry ; as

Swedish King he had to give way to Swedish pressure. In Norwegian Council he, therefore, had to refuse his sanction, although in an addition to the protocol he declared that in all essentials he shared the opinions held by his councillors as to the importance of the matter for Norway, and that he, therefore, would have been very glad to have agreed to the change, if only the occasion had been in other respects propitious. This note to the protocol, which clearly admitted that deference to Sweden prevented the King from acting as Norwegian King, did not tend to make the matter less offensive to Norway. The Norwegian Parliament answered on April 23, 1860, with a unanimous address to the King, in which it emphatically protested against the attitude of the Swedish Parliament in wanting the suspension of the governorship to be considered as a matter subject to Swedish disposition, and it declared further that "a revision of the terms of the Union cannot be entertained from the Norwegian side except on the basis set forth in the Act of Union, namely, the equality of the two kingdoms and the independence of each kingdom in all matters that do not concern the Union. The Parliament is agreed that no Norwegian who respects the rights of his native country and his own honour will take part in a revision on any other terms, and events that have happened lately in Sweden have unfortunately given rise to the fear in Norway lest

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an attempt be made from the Swedish side to give the revision another character."

From the Swedish side several unsuccessful attempts were made during the following years to get the Union revised in agreement with Swedish wishes and with the establishment of Sweden's supremacy.

It was only after thirteen years of deplorable dissension that Swedish objections in the matter of the governorship were abandoned and the present King Oscar II. at the beginning of his reign sanctioned the renewed resolution of the Norwegian Parliament, and the question was settled as an exclusively Norwegian affair in a Norwegian Council held June 5th, 1873. The Swedes by their resistance had only been able to protract the affair; if they had not interposed opposition in a purely Norwegian matter, much unnecessary bitterness between the two countries would then, as on many other occasions, have been saved.<sup>1</sup>

<sup>1</sup> The Swedish attitude as to the right of interference in matters concerning the Norwegian Constitution was first abandoned definitely, and the Norwegian attitude explicitly settled by the deletion in 1891 of the paragraph in the Constitution concerning the Viceroyalty (according to this paragraph the King had a right to nominate his son Viceroy of Norway). It was carried unanimously in Parliament and was accepted in Norwegian Council without opposition from Sweden; no one thought then of Sweden's right to interfere, although this paragraph was introduced into the Constitution by the extraordinary Parliament of 1814 on the recommendation of the Swedish Commissioners. This fact shows quite clearly how Sweden has by degrees gradually come to see that the Norwegians are entitled to what they have demanded.

On subsequent occasions, however, the Swedish aristocracy's mania for making incursions into Norwegian affairs has appeared again in a way that is in the highest degree prejudicial to the relationship of the two countries to one another, and has made Norwegians extremely sensitive to the Swedish desire for supremacy. On these occasions the attempt has always been made to prevent the King from acting as the sovereign of Norway by means of Swedish pressure. In that way it came about that when the Norwegian Parliament in the '80's wished to give the ministers access to the sittings of the Storting—a purely Norwegian matter—a sharp dispute arose. The King under the influence of the Swedish aristocrats attempted to prevent the law by an absolute veto, which the Constitution does not concede to him. That led to the impeachment and trial of the Norwegian ministry, and ended with the power of the Crown having to bow before the will of the people. The burning question of the moment, the establishment of separate Consuls for Norway, which also is purely a Norwegian question, has been the cause of several similar sharp crises between the Norwegian Parliament and people on the one side, and the Crown acting under Swedish pressure on the other. These crises came to a climax in 1895; it was then quite apparent how much the Norwegians in reality had relied upon Swedish feelings of brotherhood, and how little they credited any pos-

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sibility of a forcible breach from that side. With good-natured unconcern, the Norwegians had little by little not only forgotten Swedish warnings, but, influenced by a false idea of peace, they had neglected their defences so much that they stood in 1895 as badly equipped as Sweden did in 1864, when the question arose as to an alliance with England to help Denmark in the war with Prussia.

But Norway's weakness then was too strong a temptation to the Swedish aristocrats, and while the Consular question was coming to a head, that party prepared, with the help of the Minister of Defence, for an invasion of Norway to bring about the so-called "compulsory-revision" which aimed at a complete recasting of the Norwegian Constitution and of the Union,<sup>1</sup> in much the same way as Carl Johan contemplated this in 1821. The idea certainly fell to the ground before Swedish public opinion, but no one unprejudiced can deny the justification of the deep indignation which even now smoulders among us Norwegians. And though, of course, our people had not acted wisely in neglecting our defences, this served nevertheless to show that the feelings of brotherhood were really to us not merely an empty phrase for use on festive occasions, but a reality that had penetrated

<sup>1</sup> In his article in *The Times* of April 1st, 1905, in reply to my version of the Union disputes, Dr. Sven Hedin had to admit that "a tendency in the direction of a compulsory revision was really to be noticed here and there among us (*i.e.* in Sweden) in 1905."

the whole of our intellectual life to the exclusion of every thought of hostility against the other nation. We Norwegians do not believe for one moment that Sweden could succeed in conquering and holding Norway, but with a full knowledge of the incalculable catastrophe implied in a war between brother nations, for us and for the whole North, we live in perpetual insecurity so long as the Swedes by means of new constitutional institutions have not taken the rudder into their own hands and eradicated the possibility of a recurrence of what the King, under Swedish influence, tried in 1821 and the aristocrats wished to do in 1895.

An example *instar omnium* of the power of this aristocratic party may be cited here. The Minister of State, Hr. Louis de Geer, enjoys in Sweden the reputation of being one of the ablest of their modern statesmen; he it was who, in 1865, worked out and carried through, after many years' labour, the changes in the mode of representation in Sweden by which the old system of four bodies has given place to a two-chamber assembly. We mentioned above that the Swedish King and the Swedish Parliament in 1815 conjointly recognised Norway's complete equality in all matters concerning the Union, and that recognition is based on the consideration that though Sweden has a greater population and greater resources than Norway, yet the latter has in its favour a far more advantageous geographical position,

besides which, stress was explicitly laid on the opinion that both peoples should undoubtedly have an equal right in giving expression to their opinions with equal voice. In glaring contrast to this acknowledgment of equal rights, in which the Norwegians had believed and upon which they had formed their interpretation of the Union, De Geer in 1861 proposed a new Act of Union with the introduction of a Union-Parliament, elected according to the population in the two kingdoms. "Without doubt," said De Geer, "the principle of equality ought to constitute the foundation of a new Treaty of Union, and Sweden does not demand more than to be recognised as *primus inter pares* in the few cases in which absolute equality cannot be carried through." But under such an arrangement, in a Union-Parliament consisting of two-thirds Swedish and one-third Norwegian members, Norway would always be in the minority, and would actually be robbed of every right whenever the national points of view were opposed. It was answered from De Geer's side that that mode of arrangement would be an application of the principle of equality *as correctly understood*—equality could not be absolute; it must be relative.<sup>1</sup>

Twenty years later that undoubtedly noble-minded and truth-seeking man, when he was still in full vigour and free from the pressure of the aristocrats and the restrictions of official life, made for

<sup>1</sup> Sars, *loc. cit.* p. 527.

himself a monument by stating in his *Memoirs*<sup>1</sup> "that if the verdict be based on general legal principles it can scarcely be denied that the Norwegians are essentially in the right in almost all their demands. It is not reasonable that the one people should forego more of its independence than the other, and that one should thus become more or less dependent on the other. . . . Sweden ought to meet Norway's wishes as far as is possible. If Norway, therefore, wishes to have its own Consuls and separate commercial, customs, and postal treaties, it ought not to be opposed from the Swedish side."

But the spirit that compelled De Geer, in making his proposal for a Union-Parliament, to sin against all logic, and to act in opposition to the very basis of the Union—that spirit is once more rampant in Swedish politics and it was on its altar that the ex-Swedish Premier, Hr. Boström, had to sacrifice the pledge he had given Norway. And as long as the passion for supremacy and thoughts of transforming the two independent kingdoms of Norway and Sweden into one Sweden in which Norway shall be merged as in a larger unit, and as long as these ambitious desires prevail, so long are we in right and duty bound to meet all negotiations with a "*non possumus*." We cannot negotiate without an unequivocal admission by word or by deed that

<sup>1</sup> De Geer, *Minnen*, vol. ii, p. 274.

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the ninety years' labour to procure for Sweden a superiority in the Union has been abandoned, and that a "complete equality," as was the basis of the Union originally, shall be acted upon in spirit and in truth.

## V

### THE CONDUCT OF FOREIGN AFFAIRS

THE principal cause of dissension between the two kingdoms has been the method of conducting foreign affairs. Hitherto, under the Union, these have been conducted by the Swedish Foreign Minister, who is not responsible to Norway; such an arrangement is incompatible with Norway's position as a sovereign state, and is in direct conflict with the equality between the two kingdoms, explicitly determined by the terms of the Union. It has, however, been impossible to agree upon a better arrangement, notwithstanding the many attempts that have been made. The reason for this is partly to be found in the fact that Sweden has not been anxious to give up a supremacy unauthorised by the Act of Union, and enjoyed in that sphere only by reason of appointments made by the Crown; it is also to some extent due to the different conceptions formed of the Act of Union in the two countries.

While the Norwegians have held themselves

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literally to the words of the Treaty, so that the conditions of the union under one king, but with separate governments, which has been entered upon by Norway and Sweden, are introduced and embodied in this treaty, "absolutely word for word"; and while they have held by "each kingdom's independence in all affairs not (in the 'Rigsakt') described as concerning the Union,"<sup>1</sup> the Swedes, on the other hand, have been anxious to give the Treaty another interpretation, and to enlarge the Union in a way not authorised, but which they say is according to the very nature of the compact. So far as the question of foreign affairs is concerned they have indeed gone so far as to state through their Government (1891) that "neither the Rigsakt nor other agreement concerning the Union concedes Norway's participation in the treatment of ministerial (*i.e.*, foreign) affairs."

While the union agreement, extraordinarily enough, does not concern itself<sup>2</sup> with a word as to how joint foreign affairs should be managed under normal circumstances,<sup>3</sup> it is clear enough that with such different conceptions even as to the nature itself of that treaty, sharp dissensions over such a very important question must inevitably arise. For a reason that will be explained, it is especially since 1885 that

<sup>1</sup> Parliament's address to the King, April 23rd, 1860.

<sup>2</sup> *Vide infra.*

<sup>3</sup> It only concerns itself with joint foreign affairs under a temporary government, functional when the throne is vacant.

this cause of difference has come so conspicuously to the fore, and is now the reason of the chief difficulties between the two peoples.

As the question is of such great importance, an attempt will now be made to give a short account of its development and history.

Both Sweden's and Norway's constitutions originally gave the King a very free hand in the matter of foreign affairs; in Norway he had even more freedom in the matter than in Sweden. The Norwegian constitution left the control of these affairs to the King personally; he can allow them to be treated in the manner he thinks most suitable, and he can avail himself of the assistance of other than responsible Norwegian advisers, inasmuch as it is expressly stated that diplomatic affairs are exempted from being obliged to be brought up in council. With this authority the Norwegian King, from the commencement of the Union, has allowed the Swedish Foreign Minister to administer also Norway's foreign affairs,<sup>1</sup> and he has employed joint

<sup>1</sup> As pointed out by the late Chief Law Officer of the Crown Hr. Rigsadvokat B. Getz ("Norges folkeretlige stilling og statsforfatning," *Norge i det nittende århundrede*, Kristiania, 1900, vol. i, p. 175), the relationship in that particular is in the Norwegian-Swedish Union quite the same as it was in the Austria-Hungarian until the new arrangement dating from 1867, inasmuch as in the latter case foreign administration was according to Hungarian law left to the personal judgment of the King, who availed himself of that authority to allow an Austrian minister to take charge of the foreign affairs of both

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ambassadors for the two countries. But that Swedish minister is in no way constitutionally answerable for his conduct of Norwegian affairs. That circumstance has, of course, been the cause of dissatisfaction to Norway, especially after the idea had gained ground that the principles underlying all that is implied by constitutional monarchy should be carried even into the conduct of foreign affairs.

However, until 1885, there was more or less equality in the matter between the two kingdoms, because until then the Foreign Minister occupied a more strictly personal relationship to the King. According to the Swedish constitution of 1809, the King had personal control over matters of a diplomatic nature, as was then generally customary in all lands. He could on his own initiative allow them to be managed in the way he might happen to think best ; but he could not, to the same extent as he was able to do in Norway, withhold them from consideration in Council ; he had to have them brought before the so-called Ministerial Council of State, *i.e.*, in the presence of a second Swedish minister (certain matters had to be presented in full Council). The consequence of all this was that foreign affairs concerning both countries were treated in the same way

countries. To prevent misunderstanding, it must at the same time be pointed out, however, that the union between Norway and Sweden has never been so complete nor of the same intimate nature as has that between Austria and Hungary.

as affairs purely Swedish. That state of things was improved to some extent by a royal decree in 1835, which settled that the Norwegian Minister of State (Statsminister) resident in Stockholm, or another Norwegian minister, should be present in the Swedish Ministerial Council when diplomatic matters concerning Norway were communicated to the King.

The succeeding Norwegian Parliament (1837) expressed in a petition its recognition of the King's position in the matter, but with the addition that it was able to regard the decree only as preliminary to a more satisfactory arrangement. None the less, the preliminary arrangement has remained unchanged for nearly fifty years, as Norway has been completely absorbed in other Union and home questions.

A change in the Swedish constitution in 1885, however, made matters much worse ; by that change the conduct of foreign affairs was placed entirely in the hands of the Foreign Minister, and the King lost all his former right of personal management except through that agency. At the same time the Swedish Premier was made *ex officio* a third member of the Ministerial Council, in which diplomatic affairs were considered. By these changes in the Swedish constitution the Foreign Minister, who acted for Norway also, was placed completely under the Swedish Parliament ; and the practice instituted by the decree of 1835 for the consideration of Norwegian foreign affairs separately, on that

account practically fell into abeyance. Natural and desirable enough as it may be from the Swedish point of view not to bring these affairs under stricter parliamentary control, it is likewise clear that the new arrangement, according to which the Swedish Foreign Minister was also to act in the interests of Norway, was more unsatisfactory to Norway than ever, and it was now necessary to come to a more reasonable arrangement for the conduct of foreign affairs.

The change in the Swedish constitution in 1885 has, therefore, become the principal cause of the last twenty years' strife in the Union, and it is in this way that Sweden and not Norway has been the occasion of it—a fact that will overthrow the usual conception of the matter abroad, to the effect that Norway is the unreasonable partner in the Union.<sup>1</sup>

By acting as it did in 1885, Sweden has maintained

<sup>1</sup> It has been maintained in Sweden that the change adopted in 1885 was not in the least directed against Norwegian interests, but only had in view the benefiting of Swedish and both kingdoms' joint interests. But that argument has been put into rather a curious position by the light thrown on it a short time ago by the famous Swedish parliamentary veteran, and one of the representatives for Sweden's capital, Hr. Adolf Hedin. According to him, the proposals as accepted in 1885 were calculated also to hinder the conducting of diplomatic affairs before the joint Norwegian-Swedish Council instituted by the "Rigsakt." A suggestion to this effect had just then been made in Sweden, and it was thought that these affairs would then come under Norwegian control in a way which many in Sweden looked upon as unsatisfactory.

that it has the right to alter its own constitution itself, and without reference to its relations with Norway. But we for our part reserve to ourselves the same right of action in the matter of *our* constitution, and when the *modus operandi* hitherto is rendered impossible for Norway because of these Swedish changes, we maintain that we have not only the legal, but also the moral right and duty of making those changes which may be necessary for the safeguarding of our interests, and which are not incompatible with the "Rigsakt." Norway did not immediately after 1885 bring matters to an issue by arranging its diplomatic affairs as Sweden had done of its own accord, and with the same exclusive object of self-interests in view; it tried, instead, to arrange a more conciliatory solution by means of sincere, but eventually unsuccessful, negotiations with the other country. Many may see weakness in this course of action; but, at any rate, we cannot be reproached with having acted without due consideration. We have in this matter, as on so many occasions before, possibly shown an excessive amount of patience.

The first efforts of the Norwegians in and after 1885 had for their object the improvement of the new and unequal constitution of the Ministerial Council of State (three Swedish members and one Norwegian member). That these efforts were reasonable even the Swedes conceded; and they, therefore, brought forward proposals which were, however, not accept-

able to the Norwegians. In the negotiations of 1885-1886 they endeavoured to have the Swedish Foreign Minister legally appointed as such for Norway as well. A new proposal in 1891 was wrecked at the outset by the Swedish Government accompanying certain concessions with an endorsement of the protocol very offensive to Norwegian feeling, to the effect that "neither the 'Rigsakt' nor any other agreement concedes to Norway the right of participation in the management of ministerial (*i.e.*, diplomatic) affairs."

Even before that time two different Union committees had attempted to settle, among other things, this knotty question. The first Norwegian-Swedish Committee's proposal (1844) led to nothing; it was shelved by the Swedish Government. The second Union Committee's proposal (1865-1867) was rejected by the Norwegian Parliament by an enormous majority, really because of its unsatisfactory solution of the question of equality between the two kingdoms.

A third Union Committee, strong in numbers, was specially appointed in 1895, and worked until 1898 to solve the contested question of the relationship between the Foreign Office and Consular Service; but the result was not very encouraging. The Committee divided on the proposals into four fractions, two Norwegian and two Swedish, and it appeared impossible even for the most friendly disposed

on the two sides to come to an agreement. When every one of Norway's earnest attempts to bring about by negotiation an honourable equality on the basis of co-operation in the conduct of foreign affairs had been brought to nought by the more or less incomprehensible resistance offered by Sweden, the idea arose towards the end of the '80's that Norway would have to have its own Foreign Minister just as Sweden had. Norwegian affairs would then be managed by the Norwegian Foreign Minister, Swedish affairs by the Swedish Foreign Minister, and Union affairs by the two Ministers in co-operation. That idea has, however, never become an item in practical politics ; it has remained on the programme for the future. It was thought that the fewer institutions the kingdoms had in common, the less would be the occasion for their further dissension, and the greater would be the chance of co-operation and the manifestation of a bold and united front. The Conservative party in Norway formerly held that a united foreign policy is best assured by means of a joint Foreign Minister, Norwegian or Swedish, responsible to both countries. That programme with a joint Foreign Minister cannot, however, now reckon on the support of any appreciable section of the electorate. It is, in fact, in Norway practically a shelved proposal, which, however, appears to have obtained a large measure of support in Sweden. The great difficulty in this proposal is in seeing how it can be possible for a

minister to be responsible to two countries ; if existent not merely on paper, this responsibility might easily prove to be the cause of unfortunate conflict.

It is, at all events, certain that Norway is not bound by the Act of Union to make use of the Swedish Foreign Minister. The employment of him in the treatment of Norwegian foreign affairs depends only upon the Norwegian Crown's constitutional prerogative of determining how these affairs shall be conducted. And while the Foreign Minister has, therefore, not been regarded as a constitutional adviser, his *rôle* has been almost completely limited to representation of the Crown abroad, and to acting as intermediary in negotiations with foreign powers, while the subjects in question themselves are settled in exclusively Norwegian council. Formerly the King, in such Norwegian council, frequently gave explicit instructions to the Foreign Minister, who was also, on the other hand, now and then called upon to take part in its deliberations.<sup>1</sup> On one occasion the King completely ignored the Swedish Foreign Minister, namely, on the ratification of a treaty with a foreign Power (Denmark in 1822) ; he then, in reality, employed a Norwegian minister as Norwegian Foreign Minister ; and this is a precedent to show that such an arrangement is possible.

It would appear reasonable to suppose that association in War and in Peace must also involve a certain

<sup>1</sup> B. Getz, *loc. cit.*, p. 176.

co-operation in foreign policy, in a narrower sense ; and that has, as a matter of fact, never been denied. But the Act of Union omitted to lay down regulations for the conduct of foreign affairs which might serve to assure such co-operation. It is, perhaps, remarkable that such an important question should not have been mentioned ; to suggest that that omission is due to an oversight, as has been attempted in some quarters, is of course inadmissible. The reason is probably to be sought in the circumstance that the Norwegian Constitution vested the control of foreign affairs in the Crown's person ; but this is an arrangement between the Norwegian King and the Norwegian people, and it cannot bind us in any way in our relation to Sweden.<sup>1</sup>

<sup>1</sup> In support of the view that the two countries should only have one Foreign Minister, it has been maintained that in the "Rigsakt," wherever regulations are given for the action to be taken by the interim Government, acting during the vacancy of the throne, there is always mentioned only one Foreign Minister. Hr. Getz (*loc. cit.*, p. 175) has pointed out that it is of no importance in connection with the question now at issue. While the interim Government provided for is a Union Government, which even in the purely internal affairs of the separate kingdoms acts in place of the usual governments, it goes without saying that foreign affairs must also be treated as matters concerning the Union. While the freedom given to the King by the Norwegian Constitution, which empowered him to employ even quite private assistance in the administration of foreign affairs, could not be upheld when there was no reigning monarch, and while the King had not the same power in Sweden, it was convenient to leave the conduct of foreign affairs before the Union Interim Government to one of the Swedish

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It must be emphasised that the arrangement mentioned which caused the Swedish Foreign Minister for the time also to administer Norwegian diplomatic affairs does not imply that Norway and Sweden are united together in so far as their action towards other Powers is concerned. It has, on the contrary, always been recognised that each of the kingdoms can of its own accord act as a "member of the Society of States,"<sup>1</sup> and as a separate unit in international law; it may make treaties with foreign Powers on its own account. In those cases where the kingdom's interests have happened to be coincident, it has been customary for the two to act together. On the other hand, whenever the one kingdom has had its own interests to safeguard—which has specially been the case of late years—it has made the treaty on its own behalf alone. Both Norway and Sweden have in this way a number of separate agreements with foreign Powers, *e.g.*, many commercial, boundary, extradition and other similar treaties. The conduct of Foreign affairs is also

members, who had, in the course of his past duties as a civil servant, become acquainted with these matters. According to the Norwegian Government's own motion, § 7 of the "Rigsakt" therefore provides for the introduction of the subject in question being made by the Swedish Lord High Chancellor—whose position in this matter was subsequently transferred to the Swedish Foreign Minister—and to the same Swedish Minister, also, was entrusted the introduction of other matters of joint concern which under ordinary circumstances are vested in the Crown's person.

<sup>1</sup> Manning, *International Law*, p. 91.

to a certain extent different for each of the two kingdoms, and the partnership is—at all events with the exception of the actual foreign policy itself—in the manner of this administration, of a purely formal character. It should specially be borne in mind, that it is in every case only possible for the executive of the country concerned to decide whether that country shall enter upon a treaty or not. The Swedish Foreign Minister and Ambassadors are not authorised, without special instruction from the Norwegian executive for the purpose, in any way to commit Norway to any course of action with respect to a foreign Power. If the making of a treaty requires a modification of Norwegian law, or if the Exchequer is in any way affected, it must, as a rule, also be approved by the Norwegian Parliament.

There have, however, in the course of time, been several changes of front not only in Sweden's attitude towards Norway's right in the present matter, but also in its willingness to meet legitimate demands. While the Swedish Government as late as 1891 appeared, as already mentioned, inclined to deny Norway every right of taking part in the administration of foreign affairs, the Swedish Foreign Minister in 1893 stated that he did not doubt that it would be possible by mutual arrangement to arrive at a satisfactory solution of that question on the basis of equality, and with one joint Foreign Minister, a Swede or a Norwegian. But that utterance did not find support in the Swedish

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Parliament, and it can by no means be regarded as carrying the weight of Swedish public opinion at that time. It was not until the third Union Committee's Report in 1898 that the different Swedish parties had come into line on that particular form of solution, on conditions, however, which were on every hand in Norway regarded as unacceptable. Finally, in 1903 the Swedish Government declared openly that the present arrangement was not in accordance with Norway's just demands for equality in the Union. To arrive at a just verdict on the many negotiations over the question, it must be remembered that Norway has never asked for any concession from Sweden ; it has only demanded the respect due to its rights as a sovereign state. Every stipulation put forward by Sweden as a condition of the recognition of that right must be stigmatised as in the nature of an unwarrantable, and therefore unlawful, attack on Norway's sovereignty. It is, as already mentioned, not Norway that has been the exacting partner, always approaching Sweden with demands lacking reason. The Norwegians would not regard it as unjust if Sweden should decide that the Swedish Foreign Minister shall for the future not be employed on Norwegian business or administer Norwegian foreign affairs, and it is not likely that the Swedish politicians are going to concede that we have any right to try to hinder such a decision. *But at the same time, we also reserve to ourselves the same right of managing our own*

*affairs—foreign affairs included—as we may happen to consider most in keeping with the furtherance of Norway's and the best interests of the Union.* We have, however, so far not availed ourselves of our right of action in this direction, because it would easily lead to unfortunate conflicts, as Sweden still seems to have great difficulty in understanding our demands. We have, therefore, meanwhile confined ourselves to the less important question of the arrangement of our Consular Service.

## VI

### THE QUESTION OF THE CONSULAR SERVICE

ACCORDING to the Norwegian view of the matter there is no shadow of a doubt that Norway has the right to establish its own Consular service.

The Norwegian Constitution, as accepted at Eidsvold, May 17th, 1814, contains instructions covering the appointment of Norwegian Consuls. On the subsequent establishment of the Union between Norway and Sweden, the Swedish King pledged himself (at the Convention of Moss in August, 1814) to accept that Constitution, and only to propose such alterations as might be necessary in view of the contemplated union. No change in the Consular regulations was made, and it, therefore, follows that even the Swedish Commissioners did not think it incompatible with the terms of the Union for Norway to have separate Consuls. And in addition, the important fact must be cited that the Act of Union—the “Rigsakt” of 1815—does not concern itself

with a word regarding Consuls. Thus in two ways, direct and indirect, the right of Norway to its own Consuls is certain, and there exists no contract whatever binding the two countries to a partnership in the Consular service.<sup>1</sup>

Purely as a matter of convenience, Norway has found it appropriate, from the time of the Union and onwards, to employ the same persons for Consuls as Sweden, and this it has been able to do by taking advantage of a provision in § 92 of the Constitution, which makes it permissible to nominate foreigners as Norwegian Consuls. Consequently, Swedes are also competent for nomination as such.

<sup>1</sup> In order to explain away the right of Norway to its own Consuls, it has been claimed on behalf of Sweden (*e.g.*, by Dr. Sven Hedin, in *The Times* of April 1st, 1905) that the fact that the regulations for the Consular service stood in the Constitution unaltered by the establishment of the Union must be ascribed to an "omission." But that explanation implies an open recognition of the right of Norway, as contained in the Constitution, to establish a separate Consular service. And according to the usages of International Law, the legality of a law is judged according to what *stands written in it*, and not according to what *might* have been written. A Norwegian authority, Professor Aschehoug has been cited in support of the "omission" theory, but the historical facts, which Aschehoug in his time overlooked, prove the exact opposite. In 1814 an alteration of one of the paragraphs containing regulations for Consuls was desired on behalf of Sweden; but when the Norwegians asked what might be the object of it, the paragraph was left as it stood. The theory of "omission" is, therefore, utterly untenable, as also the idea that the Commissioners in 1814 and 1815 accepted a joint Consular service, as postulated by the Union.

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Step by step an organised partnership covering the whole Consular service developed in this way, and the management of it was, in 1858, vested in the person of the Foreign Minister.

During the development of this partnership, and during the time it has existed as at present, it has many times been resolutely maintained, both by the Government and Parliament, that Norway, while employing the same Consuls as Sweden, does not regard itself as legally bound to do so. And every attempt to induce us to make a compact binding us to the partnership has been answered clearly and emphatically (*e.g.*, in 1847, by the whole Government) that Norway cannot forgo its right of nominating separate Consuls whenever in the future its interests make it desirable to do so.

The Swedes, from their point of view, maintain that the appointment of Consuls is a part of the political union in foreign affairs, and that on that ground the Consular system cannot be separated from the management of foreign affairs. That idea has in recent times been shown to be erroneous, inasmuch as a special Norwegian-Swedish committee, on which the present Minister in London, Baron Bildt, served as a member, unanimously agreed and resolved that a system of separate Consuls is quite practicable, without danger to the present unity in foreign affairs. Both Swedish and Norwegian Governments, as well as the Crown, have later con-

curred in that pronouncement, and have agreed to the principle recommended as practicable. And it is an actual fact, that while the Consular partnership from 1814 onwards arose in the way already stated, the Foreign Office itself has, nevertheless, for half the time the Union has lasted, had no control of the Consular service at all. In Sweden, the Consular service was placed entirely under the control of the so-called Kommerce-Kollegium (Board of Trade), a department quite distinct from the Foreign Office, and a few years later Norway's interests in the matter were likewise vested in the Norwegian Finance Department. It was not until April 20th, 1858, that the Foreign Minister, by Royal decree, obtained his present commanding position with respect to the Consular service. It is, therefore, certain that the Swedish standpoint, namely, that the partnership is an essential and inevitable result of the Union, is demonstrably and historically incorrect; that fact is, moreover, actually so recognised by the Swedish Government itself.

In the course of time, as Norway's commerce and shipping have developed, it became inevitable that a demand should be heard for a Consular service such as could concentrate its undivided attention, under Norwegian direction, on the furtherance of Norwegian commercial interests alone. It may be mentioned that Norway has its own flag, which flies over a mercantile fleet the fourth among nations, and about three times

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as great as the Swedish. Inconveniences resulting from the partnership arose ; as time went on Norway's and Sweden's commercial interests came more and more into conflict with one another, and especially when in the '80's Sweden began to adopt a system of high tariffs, while Norway continued to remain, as before, an almost Free Trade country. The result of this distinctive fiscal policy on the part of Sweden was that commercial treaties with foreign Powers, hitherto made conjointly for the two countries, had now to be modified into separate agreements, different for Norway and for Sweden. This inevitably tended to make a joint Consul's position difficult, and with a Swedish Foreign Minister at the head of affairs it is much to be feared that where interests clashed the sufferer has probably been Norway. Commercial rivalry was sharpened considerably a decade ago as a result of Sweden giving up the hitherto existing agreement with Norway, which had allowed trade between the two to be carried on more or less duty-free, and which now forced both countries more and more to seek foreign markets for their goods.

The Free Trade hitherto possible between the two countries was without doubt the strongest real bond of union between them, and by the breaking of it by Sweden a fatal injury was done to the commercial and industrial co-operation between the two countries.<sup>1</sup>

<sup>1</sup> This is certainly becoming more and more recognised in Sweden. The ex-Foreign Minister, Hr. Lagerheim, a short

This was particularly unfortunate for Norway which, with several times the shipping of Sweden, had come to have less than half the influence in determining the appointment of the Consuls, who were to be responsible for watching over these great interests. Although having perhaps barely half the inhabitants of Sweden, Norway has until quite recently paid in the shape of ship-dues by far the greater part of the expenses of the Consular partnership; the division of the cost is now fixed at a half for each country. Frequent conflicts of interest between the kingdoms were hardly calculated to strengthen the real Union itself, and it would now seem, from the Norwegian point of view, that its well-being can under the circumstances only be safeguarded by dissolving partnership in the Consular service, since there no longer exists as a basis the natural and satisfactory partnership-deed of mutual interests in the matter.

The finishing touch came when the Swedish Foreign Minister, who since 1858 had controlled the joint Consular service, was placed completely under the control of the Swedish Parliament by the change in the Swedish Constitution of 1885 (see p. 49); as a result the centre of gravity of the two kingdoms' management of foreign affairs went right over to Sweden.

time ago at a Swedish meeting, characterised the action in breaking this agreement, the so-called "mellemrigslov," as the greatest folly of Swedish politicians in connection with the maintenance of the Union between the two countries.

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After Norway's vain attempts to restore by negotiation the equilibrium that had been destroyed by the Swedish changes of 1885, the question of the establishment of a separate Consular service became part of practical Norwegian politics in 1891. A Norwegian Committee appointed in 1891 to consider this question agreed unanimously, among other things, that, having regard to Norway's maritime and commercial interests the Norwegians should demand full control of their Consular service, and that the chief Consular posts abroad should be occupied exclusively by Norwegians. The resolution of Parliament made on the basis of that Committee's report, had for its central object the establishment of a separate Norwegian Consular service. It was, however, brought to nought when the King, acting in response to Swedish public opinion, refused to take action in the matter.

This led to a crisis in 1892; the Government felt that it could not undertake the responsibility of the Crown's refusal to take any action, and sent in their resignation. Further consideration of the matter was postponed, and the Ministry returned to office; but a similar crisis arose in 1893, Parliament having passed a new resolution to the same effect as that of the previous year. This crisis was overcome for the time being by the actual resignation of the Ministry and the appointment of a new Government by the Crown. Parliament in the meantime passed a resolution of

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“no confidence” in the Government, and immediately renewed its resolutions for the establishment of a separate Consular service. But the Crown refused to consider the resolution arrived at, and the situation came to a climax in 1895; then the Crown kept a Ministry, which had resigned as a result of the triennial elections in 1894, in office for another nine months, although it was not competent to assume responsibility for the complications that had arisen. At the same time there was a strong movement in Sweden in favour of a compulsory revision of the Act of Union in favour of Sweden—in fact, a resort to arms.

To prevent a breach, Parliament agreed to a mutual reconsideration of the whole question of both Foreign Minister and Consular service. A committee composed of representatives of both countries was appointed and sat in 1898. Unfortunately they could not arrive at unanimity in their conclusions, but divided into four sections, two Norwegian and two Swedish. Division arose partly over the resistance from the Swedish side to the unanimous demand of the Norwegian delegates for a separate Consular service. Things went on after this until 1902, when a proposal was made, on the initiative of the Swedish Foreign Minister, Hr. Lagerheim, for a joint committee to consider only the question of the separate Consular services. This was really an agreement to consider the question on the basis already previously

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proposed by the Norwegian Parliament. It was expressly agreed that the question of the Foreign Minister should not come under consideration. The Norwegian delegates were Dr. Sigurd Ibsen and Hr. W. Christophersen, Consul-General at Antwerp; the Swedish representatives were Baron Bildt, now Norwegian-Swedish Minister in London, and Hr. Ameen, Consul-General at Barcelona. They came unanimously to the conclusion that "it was possible to appoint separate Norwegian Consuls solely responsible to Norwegian authority, and separate Swedish Consuls solely responsible to Swedish authority. The Foreign Minister's connection with Norwegian Consular affairs should cease, except in so far as what concerns the Consul's status (*exequatur*), while his control of the Norwegian Consuls should also cease. This control should then be transferred to a Norwegian Government department for the Consular service."

This was the unanimous conclusion of the committee consisting of experts from both countries. The committee further dealt with the question how the relationship between the Consular service and the Foreign Office should be arranged. The proposal under this heading promised a satisfactory adjustment of diplomatic and Consular business without in any way touching on or prejudicing the question of hierarchic superiority or inferiority, and without diminishing the importance or power of

initiative either of the Foreign Minister or of the department controlling the national Consular system in either kingdom.

Thereupon, negotiations were carried on between the Norwegian and Swedish Governments with this report as a basis. These negotiations resulted in a preliminary agreement formulated in a document, the so-called "Communiqué," of March 24, 1903, in which the Swedish representatives declared, among other things, that it has "proved to be not impossible, on certain conditions, to arrange a service with separate Consuls for each kingdom, which, while satisfying Norway's pronounced wishes, might at the same time be capable of allaying the most important of the doubts felt on the Swedish side." It is further stated in this document that the Swedish representatives "have found themselves able to recommend a settlement on the following basis:—

"(1) Separate Consular services shall be established for Sweden and for Norway. Each kingdom's Consuls shall be placed under whichever department at home the country concerned shall decide.

"(2) The relationship between the respective Consuls and the Foreign Minister and Embassies shall be arranged according to identical laws, which cannot be altered or suspended without the consent of the Executives of both kingdoms."

This agreement was signed by the Swedish Premier

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Hr. Boström, the Foreign Minister Hr. Lagerheim, the Norwegian Premier Hr. Blehr, and several other ministers. It was greeted with great satisfaction in Norway, and everything was done there to ensure the negotiations being continued to a happy conclusion. Two members of the Government had to resign, as they were not completely in accord with the agreement; and it was feared that other members of the Government also lacked a little enthusiasm in the cause. A new election in the autumn of 1903 returned a different majority, upon which a Government in the highest degree disposed to friendly negotiations came into power, with the leader of the Conservative party, Hr. Hagerup, as Premier.

In Sweden, on the other hand, the agreement was not looked upon with the same feelings of satisfaction, and that is perhaps the best explanation of the fact that the Swedish Government, and especially its chief minister, soon showed a waning desire to arrive at a final agreement.

The document of March 24, 1903, was, in December of the same year, officially sanctioned by the King in Council, on the advice and in the presence of the Governments of both countries, who at the same time were authorised to continue negotiations on the basis thus defined. And it arranged for the working out of the organisation and budgets of the separate Consular services, which were to be brought before the National Assemblies simultaneously with

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the identical laws mentioned. The organisation and budget recommendations were prepared here in Norway by a committee appointed for the purpose, and were ready on December 31, 1904. It appears, on the other hand, that no corresponding preparations have hitherto been made in Sweden.

The Norwegian Government in May, 1904, brought forward a draft of the identical laws, worked out in exact accord with the recommendations of the Union Committee (1902) as well as of the preliminary agreement of March, 1903. In those proposals the relationship of the separate Consuls to the Foreign Office and Embassies was determined by a number of regulations. They provide that the separate Consuls unconditionally shall attend to all inquiries and requests from the Minister of Foreign Affairs in matters which have assumed or are likely to assume a diplomatic character; they provide that as a rule a Consul shall not come into contact with the executive authorities—the Foreign Ministry especially—of the country in which he is placed. In short, provisions were made clearly defining the Consuls' position as well as for their control being brought under Norwegian authority. The Swedish Government, on the other hand, for a long time evaded giving a direct reply to these proposals, and in the meantime the Foreign Minister, Hr. Lagerheim, who had primarily brought about the negotiations and conducted them on behalf of Sweden, was forced by

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the action of the Premier, Hr. Boström, to resign. Thereupon the latter took matters into his own hands, and, finally, put forward in November, 1904—six months after the receipt of the Norwegian draft law—a number of proposals on a basis quite different to that of the Communiqué of March, 1903. In his reply to the Swedish Premier, the Norwegian Premier, Hr. Hagerup, on November 26, 1904, characterised one of these demands as “calculated to stamp Norway as a dependency according to general international and common law principles,” and declared that “from a national point of view it indicates a very great retrogression on the present arrangement of the Consular service.”

In December, 1904, there was brought forward on behalf of Sweden a draft of the identical laws. It was supported by the majority of the Swedish ministers, whereas Hr. Boström appeared unable to forego the standpoint he already had taken up. It will easily be understood that it inevitably made it exceedingly difficult to come to any settlement when the Swedish Premier and Sweden's most influential statesman was in open opposition over the draft which he himself had proffered on behalf of the Government to the Norwegians. It appeared also that the Swedish draft contained a number of demands quite unacceptable to Norway, inasmuch as they were opposed to the very basis and object of the negotiations.

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The Norwegian Government thereupon replied that the proposals contained at least six points which introduced quite a new number of demands into the question at issue, and which, had they been introduced and maintained at an earlier stage, would have led to the abandonment of all prospects of mutual agreement." These points, the Norwegian Government further declared, are obviously impossible of acceptance, "partly because they are opposed to the Norwegian constitution, or to the demands in this country claimed as to the form and substance of independence, partly also because what was expected of the whole negotiations is thereby not to be attained—namely, to make use of the very words of the Swedish representatives, that 'Separate Consular services shall be established for Sweden and for Norway. Each kingdom's Consuls shall be placed under whichever department at home the country concerned shall decide.'" If the Swedish proposals had been accepted, the Norwegian Consular service would have been very largely placed under the control of the Foreign Minister, who is constitutionally a Swedish Minister. To the Norwegian ministry's description of the regulations proposed by the Swedish draft, and regarded by the former as impossible of acceptance, the Swedish Government answered by declaring that it must in essentials hold to the points, and moreover that the willingness of the Swedish Government to continue negotiations was conditional upon

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the Norwegian Government feeling itself prepared to forego its standpoint.

In this way negotiations were once more broken off; and without result. It was apparent that, in spite of the friendliness and earnestness with which the desire for accord was approached from the side of Norway, from the very moment of the preliminary agreement, it was also clear that the Swedish Government was no longer agreeable to a dissolution of the Consular partnership on the basis of the document of March 24, 1903, approved and decreed by the Crown in constitutional form. Instead, it made the establishment of a separate Consular service contingent on a new series of conditions and limitations, the acceptance of which by Norway would have been national suicide. The Norwegian Government, immediately after the receipt of the Swedish answer, replied that the latter did not call for further comment from Norway.

Recognising how very threatening to the Union this latest breach of negotiations has proved itself to be, it has been attempted in some Swedish quarters to make it appear as though the breach must be laid to the charge of the Norwegian Government. This must, in the light of what has already been stated above, be regarded as a fruitless task; but the attempt is even more hopeless in the light of the revelations which have now been made by Hr. Adolf Hedin, Sweden's foremost parliamentarian (for many

years one of the members for Stockholm, the Swedish capital), and the Nestor of Swedish politics. In a public speech a short time ago, he stated that it was not at the end of last year that it first became evident to those in Sweden who were competent to know that the negotiations "were going to be wrecked"; it was evident in the previous spring. And on that account Hr. Lagerheim, who until then had conducted the negotiations so satisfactorily, let it be generally understood that it would be just as well if he resigned at once. "I can," said Hr. Adolf Hedin, "furthermore say that the quite definite proposals brought forward by him have never come under consideration at all"; it had already been determined by the Premier Boström that the negotiations should not go through, and Lagerheim was, therefore, compelled to seek resignation. "But that," said Hr. Adolf Hedin, "does not detract from the former Foreign Minister's merits, it does not diminish the services of the members of the Norwegian ministry with whom he carried on the undoubtedly very difficult negotiations. To them it is that we are indebted for having brought the negotiations to the point indicated by the agreement (of March, 1903). And what I know of the matter tells me that what then remained to be done was infinitely simple compared with the difficulties that have been already overcome."

That is the verdict on Hr. Boström and his method of breaking off the negotiations, of Sweden's most

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eminent parliamentarian, and without doubt the best informed politician that country has.

When Hr. Boström found it necessary to resign a short time ago, the *Nya Dagligt Allehanda* (April 9, 1905), Sweden's leading aristocratic and anti-Norwegian organ—had an article on that minister that throws a special light upon the Swedish view of the matter. There we have it stated among other things that "he and his colleagues laid stress on the Consular question's inseparable connection with the question of the management of Foreign affairs. His mistake and his great misfortune it was, that, under Norwegian influence, he allowed himself, for a moment, to agree to a departure from his original standpoint, and which found expression in the Communiqué (of March, 1903). But he made good his mistake for the greater part, and took up again anew, and before it was too late, his old standpoint, which was the only correct one. On the Norwegians' refusal to treat the question of the Foreign Administration in conjunction with the Consular question,<sup>1</sup> Boström acted with inflexible logic—in spite of Norwegian wrath—and continued to demand the subordination of the separate Consuls

<sup>1</sup> In the preliminary agreement of March 24, 1903, it is stated and recognised by both countries, as an *explicit condition* of negotiations, that only the arrangement of the Consular service is to come under consideration, and that the question of the Consuls' relations to the Foreign Office was to be shelved as a matter not yet ripe for discussion.

to the Swedish Foreign Minister." In this way the leading organ of the Swedish Aristocratic classes, without shame, admits that Boström's action in 1904 *was* an open breach of agreement, or, to put it in the words employed, a return "to his old standpoint."

## VII

### THE POLITICAL SITUATION WITHIN THE UNION AT THE MOMENT

THE Boström ministry, as a result of the astonishing course it took, brought negotiations to a standstill by its breach of agreement, and lost an exceptional opportunity of bringing the two peoples to a better understanding. Never in the later history of the Union has there, at all events here in Norway, been so great a desire for, or such great confidence in, the possibility of coming to an agreement with Sweden, and of getting rid of the questions at issue between the two nations. Why negotiations were broken off in this way, whereby everything that had been done was destroyed, it is impossible to say; but of one thing we may be certain, and that is that in Sweden it was not foreseen what would be the possible effect on public opinion in Norway of the Swedish Government's action. In Sweden it was regarded as probable that the Norwegians were really divided into parties incapable of acting together;

“they are a patient folk, and have been sat upon by Sweden before ; they will also put up with this new insult, even if they make a great fuss about it.”

In this, however, the Swedes were out of their reckoning. From the day the Swedish Government's attitude to its agreement and its own proposal became known in Norway, Norwegians have been practically one party, united with a determination to repudiate every Swedish encroachment, and to maintain its own right as a Sovereign State. Every demand for deference and conciliation had been amply met ; we have not treated with Sweden on the question of our rights, but in order to arrive at a friendly understanding ; all that we have succeeded in obtaining has been, time after time, to get issues protracted, often in a way rather humiliating for us. That must all be ended now—we have no choice. When an unwarrantable attempt is made by Sweden to interfere in the business of Norway, our duty must be to prevent it ; our honour as a nation and our independence demand that we shall see this thing through, that we shall see to it that our own right of action in our own affairs is respected. Thus, and thus only, must the unanimity and determination of the Norwegians to establish a separate Consular service be regarded ; the affair has become a parting of the ways towards independence or towards suicide. As we refuse to give up voluntarily our sovereignty, so we are determined to carry through this, our own affair, in spite of possible

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protest from Sweden; we shall stand or fall by our lawful rights.

An announcement of the termination of the negotiations was made to Parliament by the Premier (Hr. Hagerup) in a speech on Feb. 8, 1905, in which he described the resulting state of affairs as very critical, and the present state of the Union impossible. Among other things the Premier said that "the task now, more than ever before, is, complete and uncurtailed, to get established the conditions under which Norway can occupy the international and constitutional position belonging to it as a Sovereign State, and which all Norwegians have been and are unanimous in demanding."

Parliament thereupon appointed a special Committee which, on March 6, 1905, issued a preliminary report, by a majority of 16 to 3, providing for the establishment of a separate Consular service by Norwegian law, to come into operation on April 1, 1906, at latest. After the negotiations were broken off, the Hagerup ministry, which took office on a programme of solving the question by negotiations with Sweden, resigned, and a new ministry with Hr. Christian Michelsen (who had been a member of the Hagerup Government) as Premier, and composed of prominent men of the different political parties, came into power. In Parliament on March 15, 1905, Hr. Michelsen sketched the new Government's programme as follows: "On the basis of and in agreement with the Special

Committee's proposals of March 6, 1905, and in co-operation with Parliament, to carry into effect Norway's constitutional right to its own Norwegian Consular service, and to maintain Norway's sovereignty as a free and independent kingdom." "We know," he continued, "that there stand with us a unanimous and united Parliament, and a unanimous and united people. That is the strength of our position. Norwegians have no stronger desire than to be able to live in peace and goodwill with everyone, and not least with our Swedish neighbours, and thus to be free to devote the whole of our strength as a nation to the development of our material resources, and to that work of culture in which nowadays even the smaller peoples can also make name and fame among nations. And true as it is, that we Norwegians have a national as well as an historical and constitutional right to live our own life as a free people, it is, we are convinced, just as certain that the united and inflexible determination of our people to make every sacrifice in carrying out this our right by the Norwegian constitution, will carry us forward to the goal."

These words having been greeted with acclamation—the whole Assembly rising—the President said: "I believe I may venture to express, on behalf of Parliament, the confident hope that there will be complete and satisfactory co-operation between Government and Parliament, and I express more-

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over the conviction that Parliament will render the Government its continuous support in the solution of the great and difficult problem which they both have to face."

The Premier's declaration before the Norwegian Parliament was answered in Sweden by the appointment of a "secret" Parliamentary Commission for the consideration of the political situation resulting from the breach of the negotiations. This Committee began to work under the direction of the Crown Prince Regent of both countries, an arrangement that was calculated to call forth neither satisfaction nor confidence in Norway.

As the direct result of that secret Committee's deliberations, it is supposed, the Crown Prince Regent, on April 5, 1905, laid the following proposals before a joint Norwegian-Swedish Council of State :—"I invite herewith the Governments of the united kingdoms on both sides, without bias in favour of already adopted views, immediately to open free and friendly negotiations for a new arrangement of all matters concerning the Union which ought to be conducted on the basis of complete equality between the two kingdoms. The course which, I think, ought to be taken, and which may, in my judgment, with the exercise of goodwill on both sides, lead to a solution of the difficulties completely satisfactory to all parties, is as follows :—

"A joint Foreign Minister—Swede or Norwegian

—responsible to both kingdoms, or to a joint institution ; a separate Consular service for each kingdom, but so arranged that the Consuls in everything that concerns their relationship to foreign Powers be placed under the direction and control of the Foreign Minister.

“ If during the negotiations another way of arranging foreign affairs should be found, always retaining a unity in their management as an indispensable guarantee for the continuance of the Union, I hereby declare myself prepared to take the course proposed under my earnest consideration.”

That proposal, which may to an onlooker at first sight appear conciliatory and responsive to Norwegian demands, looks less promising when seen in the light of recent events. The negotiations we entered upon with such great readiness and confidence were simply broken off by the action of Sweden, in spite of the fact that we had apparently every possible guarantee through agreements and Royal resolution to lead us to expect a satisfactory termination. And now we are invited to new negotiations with the same Swedish ministry,<sup>1</sup> but without the same guarantees as we had before. What guarantee have

<sup>1</sup> It is true that immediately after the publication of the above proposals, the Premier, Hr. Boström, resigned, which fact certainly evinced a certain amount of concession to Norway, but the remainder of the Swedish ministers remained in office, even the very ones who had been in entire agreement with Boström and his proposals.

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we that all that could be obtained would not this time also only mean delay? Furthermore, the last Norwegian-Swedish Union Committee worked for three years, from 1895—1898, on a very similar basis without being able to arrive at a conclusion; the Swedish proposals were not acceptable to any section of the Norwegian Commissioners. Is there any probability of better agreement now? It also appears from the context that the new proposals exclude the consideration of the separate Norwegian Foreign Office, demanded on behalf of Norway. In Norway these suggestions were, therefore, on every hand regarded as merely an attempt to cause a delay which would hinder Parliament in carrying through our own Consular service. And that impression was further strengthened by the remarkable fact that the proposal was published in Sweden immediately after the Council, and was telegraphed to the foreign Press, in spite of the fact that the Protocol should not be published before the Norwegian Government's considerations had been received. To publish spontaneously a part of a Protocol before the other part was to hand, appears in any case to be not very respectful to the other country, and would scarcely have occurred if the intention had been to agree upon conciliating Norway's just demands.

In the Norwegian-Swedish Council of State on April 25, 1905, the Norwegian Government, as a result of having taken counsel of the Department of Justice,

replied among other things that, "The Norwegian nation, as it is known, has maintained a unanimous demand for the establishment of a separate Norwegian Consular service, and with the same unanimity has maintained that the right of carrying out that matter is reserved by the Norwegian Executive as being excluded from the terms of community between the kingdoms, established by the Act of Union. . . . In so far as the proposal put forward in Council may happen to be based on the presupposition that the Consular question should be set aside, Norway's agreement to such a proposition would, according to the Department's views of the question, be synonymous with the abandonment of the Norwegian people's unanimous demands now to have carried into effect the right that belongs to Norway as a Sovereign State, and which is guaranteed by its Constitution—a reform, more and more required, in order to develop its commerce—and instead to embark on negotiations between the kingdoms which, in view of repeated experience, must unfortunately be regarded as likely to be barren of result, or at the best productive of delay in carrying the matter through. It cannot but be recognised that the proposal is not essentially new, but that similar proposals have several times before in the history of the Union been tried in vain. The three Union Committees of Norwegians and Swedes which have worked out proposals during the last half century—1844, 1867, 1898—for

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the mutual relations of the two countries, have not been successful in bringing about any positive result."

After having discussed in more detail the unfortunate fate of the deliberations of these Union Committees, and especially those of the last one (1895-1898) the Government referred to the fact "that the proposals for the arrangement of the Ministerial Council, negotiated between the two Governments in 1885-1886 and in 1890-1891, were likewise barren of result."

"And while the efforts mentioned have turned out so discouraging, this may be said in an even more marked degree of the newly terminated negotiations" concerning questions connected with the establishment of separate Consular services. The Norwegian Government, advised by the Department of Justice, pointed out how these negotiations, which were entered upon as the result of Swedish initiative, had been wrecked as a result of "there being put forward, and maintained, on behalf of Sweden, a series of demands partly to be regarded as in opposition to Norway's Constitution and its right as a Sovereign State, partly as calculated to exclude the very points agreed upon in the preliminaries, namely, that each kingdom's Consuls should be placed under that authority which the home country should decide upon. This has given ground for great disappoint-

ment in Norway, and if increased by a renewal of similar unfortunate experiments, will threaten the gravest danger to the good relations existent between the two peoples, which in a much higher degree than agreements and legal forms are the basis of the peoples' unity and strength.

“Under these circumstances the Department must dissent from the proposal to open afresh negotiations for the consideration of the relationship in the Union before the establishment of the Norwegian Consular service shall have been carried out. This accomplished, that confidence which is the condition for every friendly and fruitful enquiry into difficult and delicate relations in a Union will have revived, and the Department will then be able to agree to the renewal of negotiations for the conduct of foreign affairs and diplomatic services, as well as the union based on the ‘Rigsakt’” with the questions belonging to it. But these negotiations must in that case be carried out on a perfectly free basis, with complete recognition of each kingdom's sovereignty and without reservations or limitations of any kind whatsoever, and must also—as in 1898—include the recommendations put forward on behalf of Norway providing for a separate Foreign Office for Norway and for Sweden on any principle which each of the kingdoms may consider necessary for the safeguarding of its interests and enterprises.

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“In agreement herewith it must withal be recognised that in the event of these new negotiations being barren of result, it will not be possible to return to the old *status quo* of continuing the present impossible relationship in the Union. There must be a binding agreement to the effect that the present state of affairs shall not prevent in any way the exercise of each of the kingdom's right of action, but that each kingdom can, of its own accord, determine the form of its future state as a nation. For no compulsory union but only that of trust and sympathy between two free and independent nations can secure both peoples' future and fortune as well as the kingdoms' independence and integrity.”

The Swedish Government, in reply, stated among other things: “As all thought of further negotiation is now put aside by Norway until a separate Norwegian Consular service shall have been established, and as, in addition, there have been stated the conditions upon which Norway is willing to carry on fresh negotiations in the future, and which are incompatible with the Union and the ‘Rigsakt,’” it is apparent that negotiations on the basis indicated “cannot for the time being be carried on with advantage.” The Norwegian Government representatives present thereupon, in reply, stated among other things that it was evident from the Norwegian Government's deliberations “that it is not the object of Norwegian action to have the present Union dissolved. On the other

hand it is maintained that there is occasion to consider the prospect of such a dissolution, and that negotiations which after acceptance by the executives of both kingdoms also presupposes that eventuality, are compatible with the 'Rigsakt.'" Upon the Crown Prince Regent's resolution the matter was then shelved.

What will happen now? The Norwegian Parliament has unanimously carried a Bill for the establishment of a separate Consular service; what will happen now depends a great deal on the action of the Crown. We Norwegians find it hard to think of the possibility of the Norwegian Crown being able to refuse to sanction a law that has been so unanimously demanded by the Norwegian people and which with continually increased support has carried every new Election since 1892. Should such a thing happen, as in reality has been suggested from some quarters, it cannot be the result of Norwegian influence, but on account of Swedish pressure. Such a possibility in a Norwegian matter is not provided for in Norway's Constitution, however, and it will in that case be impossible for the King to get another Norwegian Government to take the responsibility of such a state of things. But without a responsible Government the irresponsible King cannot govern or frame measures of government. If the Crown takes advantage of its power of withholding sanction it will have placed itself outside the boundaries of the Norwegian Constitution, by an attempt

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to introduce a system of personal autocracy without constitutional advisers, which is in open conflict with the principle and wording of our Constitution. It has been said that there would in such a case be a revolution in Norway ; but under such circumstances it would not be the Norwegian people that desired the revolution, not the Parliament nor the Government that had produced an upheaval. The fact of the Norwegians demanding their own Consular service is no revolution ; the fact that Norway's Parliament in agreement therewith framed resolutions on the question is no revolution ; that Norway's Government advises the sanction of such resolutions and is not able to take the responsibility of a refusal is no revolution. For a Government does not make a revolution by simply refusing to act against the interests of the country ; neither is it a revolution if the Crown is unable to get a new Government, for it is not possible to compel our citizens to undertake to enter a ministry. But the legally elected and the legally constituted National Assembly cannot allow the country to remain without a Government, and if the Crown put itself out of action, Parliament must invite the former ministry to remain in power and exercise the authority of a Government as though the Crown were still existent. That would of course not be a revolution ; it would simply be doing what the circumstances dictate as necessary. It is for the moment impossible to see

further what would then happen under such circumstances.

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It has been maintained in Sweden that the Swedish attitude in disputes concerning the Union has been always directed in the interests of the Union and the welfare of the Scandinavian Peninsula. We in Norway find it rather difficult to accept this view of Swedish action ; we are rather of the opinion that the perpetual Swedish resistance to the legitimate claims of Norway can only serve to weaken both the Union and the Peninsula ; a continuance of the present state of affairs, with two peoples openly distrusting one another, is only to be regarded as *a great danger to the Union*. If continued, the result will be that it will be impossible for us to act with the united strength necessary in face of danger and the attack of the foe without. We cannot know when we may be called face to face with that danger, and we regard it therefore as of the utmost importance to have as quickly as possible a more satisfactory arrangement under which the two peoples will be able to live alongside one another in mutual confidence. Only in this way is it possible to assure the future of the two countries. We regard it as quite obvious that the Norwegian and Swedish peoples must hold together, and we cannot think of the possibility of Sweden being attacked without instantly hastening

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to its help with all our might. But a strong and strenuous union between the two countries can only be built upon the two people's complete independence and freedom of action, united together voluntarily. *Any Union in which the one people is restrained in exercising its freedom is and will remain a danger.*

THE END







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